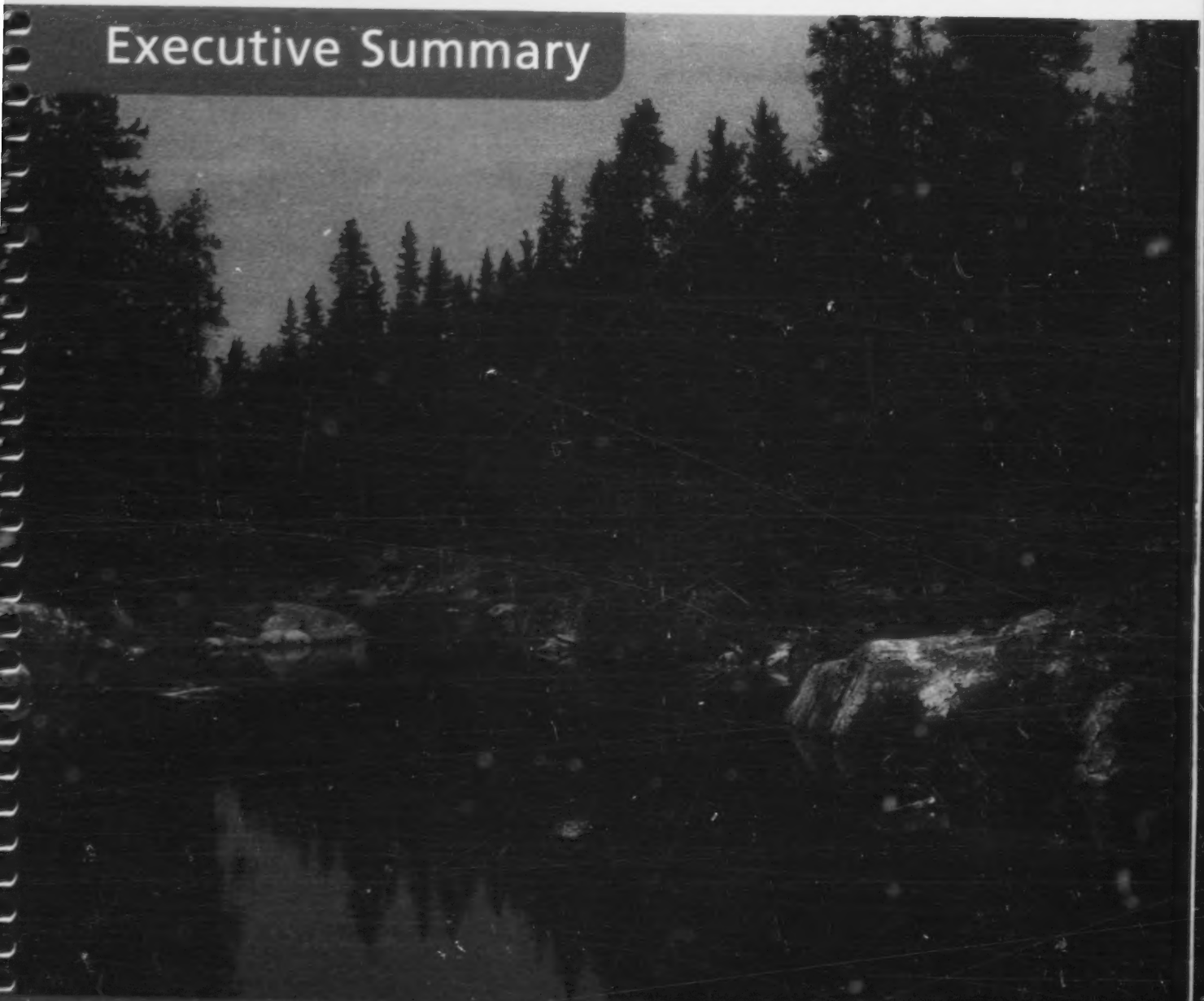
# "Promises to Keep..."

*Towards a Broad Area Plan for the East Side of Lake Winnipeg*

## Executive Summary



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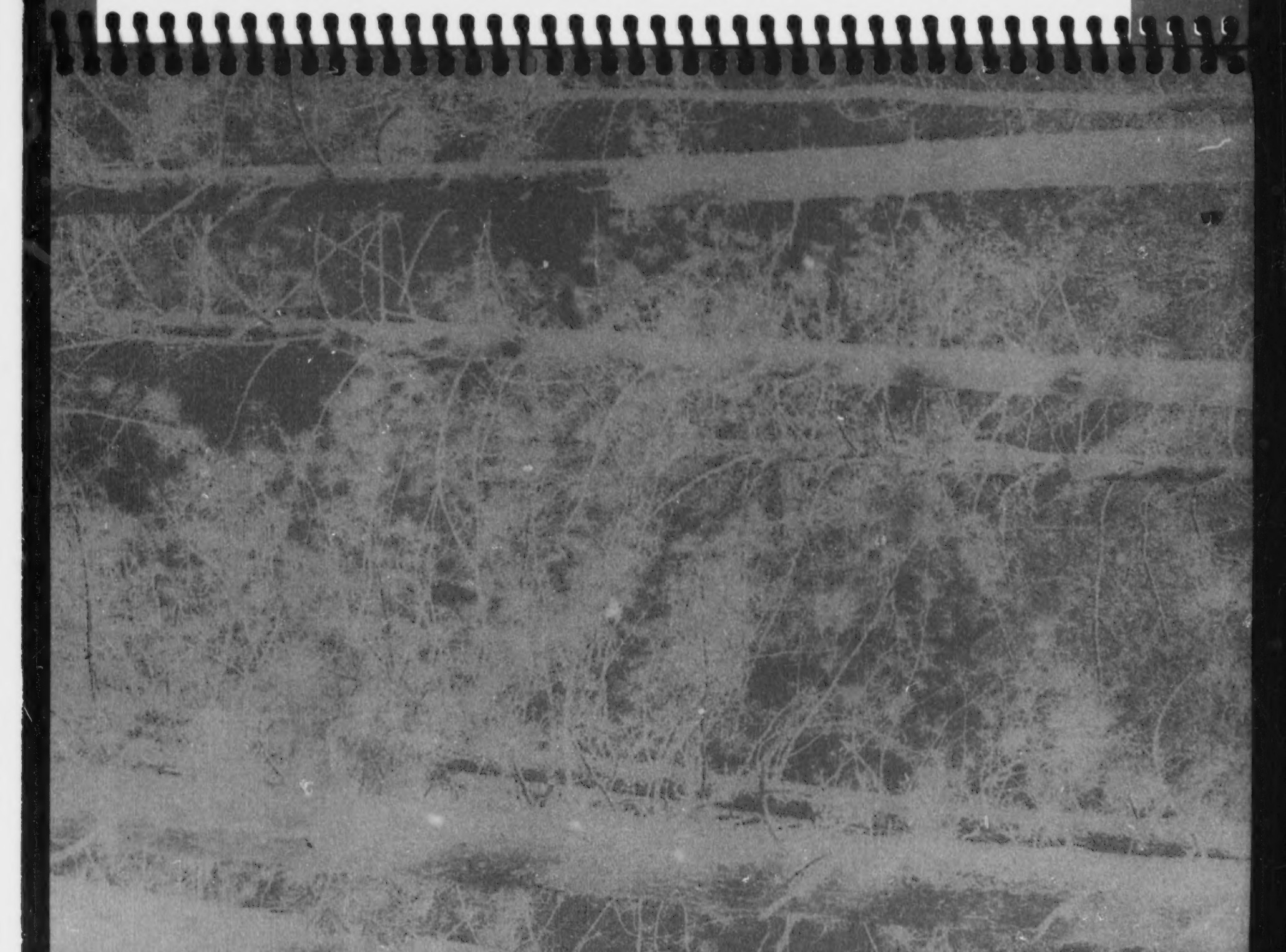

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*Towards a Broad Area Plan for the East Side of Lake Winnipeg*

## Legal Impact of the Status Report

The contents of this Status Report – the narrative, analysis, observations, and recommendations are presented to the Government of Manitoba in the spirit of good will and good faith. The Government of Manitoba is committed to improve the relationship between the people of the province and First Nation/Aboriginal peoples based on principles of mutual recognition, mutual respect, and mutual responsibility. Nothing in this Status Report shall be construed to restrict, compromise or fetter the ability of First Nations and Aboriginal communities and their members to fully enjoy the Aboriginal and Treaty Rights recognized and affirmed by the Canadian Constitution and the evolution of Canadian case law. The Government of Manitoba, in creating the East Side Planning Initiative, has affirmed that the content of this Status Report shall not be construed to alter, replace, or fetter the legal responsibility and obligation of the provincial government to engage in meaningful consultation and accommodation with respect to any and all issues identified in this report.



Manitoba

# "Promises to Keep[1]..."

## *Towards a Broad Area Plan for the East Side of Lake Winnipeg*

**Dedicated to:**

**The future of the people**
**of the east side of Lake Winnipeg**
**and to the land which will continue to sustain them.**

[1] The title of the status report is taken from the final stanza of the Robert Frost poem ***Stopping By Woods On A Snowy Evening***

> The woods are lovely, dark and deep.
> But I have promises to keep,
> And miles to go before I sleep,
> And miles to go before I sleep.

**Broad Area Planning**

***East Side Planning Initiative***

Room 405 - 326 Broadway
Winnipeg, Manitoba R3C 0S5
204-945-8114 or 1-800-214-6497
204-948-2948 Fax
espi@gov.mb.ca

September 2004

The Honourable Stan Struthers
Minister of Conservation
Government of Manitoba
Room 330 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister Struthers:

On behalf of the East Side Round Table and the First Nations Council, it gives us great pleasure to submit to you our status report on the development of a Broad Area Plan for the east side of Lake Winnipeg entitled *Promises to Keep*. For your convenience and reference, as well as for broader distribution, we are also pleased to provide you with a separate executive summary of the status report.

In presenting this report to you and your government, we wish to assure you that we have laboured long and hard to both gain the confidence and understand the preferences of the residents of the east side of Lake Winnipeg concerning the current and future land use of this magnificent area.

As our report will outline, there have been numerous meetings and discussions with interest groups and stakeholders, Northern Affairs and Métis communities and the leadership and residents of First Nations communities, the latter comprising over 96 per cent of the population of the east side of Lake Winnipeg. As the first prototype and flagship initiative emanating from the recommendations of the Consultation on Sustainable Development Implementation, this status report will affirm that the Government of Manitoba has embarked on a unique and promising venture – a venture that seeks to empower the residents of the east side of Lake Winnipeg and engage them in a process that increases their access and control over decisions that will affect the quality of their lives. On their behalf, we commend your government for initiating this most important dialogue.

The development of the Broad Area Plan has not been completed. Yet much has been accomplished in defining a sustainable land use plan for an area equivalent to one-eighth of the land mass of Manitoba. While this status report provides you with a measure of our progress, much remains to be done in our quest to protect the environment, assure sustainable development in the area and achieve certainty for investment and economic development ventures.

We believe that our preliminary observations and recommendations chart a precise and measurable course on the path to completing the Broad Area Plan and we strongly recommend that the Government of Manitoba stay the course through to its completion. The *Memorandum of Understanding* with First Nations communities and the promise of one with the Métis Nation residents on the east side of Lake Winnipeg, the extensive consultations with Northern Affairs communities, and the pending comprehensive dialogues with Manitoba's First Nations communities on the east side of Lake Winnipeg, will shape a Broad Area Plan based on thorough consultations and a sensitivity to the environment that is unparalleled in recent Manitoba history.

The recommendations contained in this report are based on extensive preliminary consultations with communities on the east side and the dedicated work of our colleagues on the East Side Round Table, the First Nations Council and the Advisory Committee. We are convinced that this East Side Planning Initiative will produce a Broad Area Plan that will not only serve the residents of the area and the interests of all Manitobans, but will also define the future of Broad Area Planning and sustainable development in Canada.

We commend this work to your attention and respectfully request that it be permitted to reach its natural and positive conclusion.

Respectfully yours,

Chief Phil Fontaine
Chair
East Side Planning Initiative

Elder Ed Wood
Associate Chair
East Side Planning Initiative

# Acknowledgements

September 2004

The Honourable Stan Struthers
Minister of Conservation
Government of Manitoba
Room 330 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister Struthers:

The preparation and submission of this status report, *Promises to Keep,* and the separate executive summary which accompanies it, is premised on the assumption that it is but an important waypoint on a path that will lead to Manitoba's first Broad Area Plan based on the sustainability principles identified in the *Consultation on Sustainable Development Implementation,* which your government has adopted as policy. The East Side Planning Initiative (ESPI) has begun a comprehensive and inclusive process of information sharing and gathering. The complexities of the many issues at hand require no less.

This status report, the contextual observations and many recommendations it contains, owes its genesis, first and foremost, to the many people resident on the east side of Lake Winnipeg who took the time to attend community meetings and express their concerns and ideas. This report, in thanks for their participation, is dedicated to them and their fellow citizens.

The East Side Round Table and the First Nations Council, as duly constituted and in working groups, have spent countless hours hearing of people's concerns, listening to presentations, sifting through forests of documents, reports and expert opinion, debating the issues and, finally, crafting this status report. That they were able to do so while respecting the diverse views and disparate interests of those around each table, is a testament to their dedication and commitment to this process. Thanks are also extended to the members of the East Side Advisory Committee who took the time to attend meetings, and furthermore, took advantage of the opportunity to submit observations and recommendations to the ESPI.

Appreciation is also extended to Phil Fontaine who retained his role as chair of the East Side Round Table and First Nations Council even after assuming the onerous role of National Chief of the Assembly of First Nations. A particular vote of thanks is given to associate chair Ed Wood who so often went above and beyond the call of duty in encouraging participation, supporting the goals of the process and providing his expertise, influence and credibility in developing a common agenda.

Our appreciation is also extended to community leaders, elders, and co-coordinators who facilitated and took an active part in assisting the ESPI process; to community residents who attended meetings, prepared thoughtful interventions and attended ESPI Open Houses; to the many presenters who appeared before the Round Table and the First Nations Council; to the numerous organizations and individuals who supported the preparation of the East Side Youth Conference, which we hope will materialize in the fall of this year.

Thanks are also offered to the minister and officials of Manitoba Conservation, as well as those departments and agencies of the provincial government that facilitated and supported the work of ESPI.

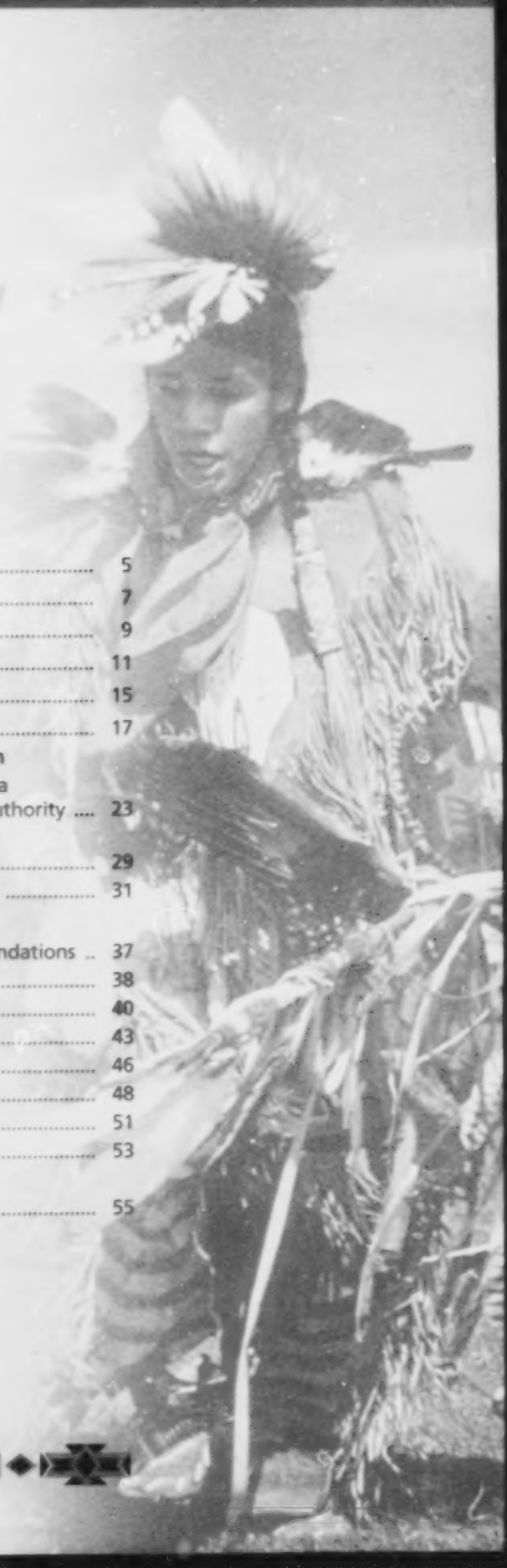
And finally, I would like to thank each member of the secretariat and the consultants who have supported our work. Their tireless pursuit of excellence and the professionalism and respectably demonstrated in supporting both the East Side Round Table and the First Nations Council in their pursuit of an independent course in crafting this report, have been very much appreciated. I know that I speak for both the Round Table and the First Nations Council in expressing appreciation for the efforts in preparing the numerous drafts and re-drafts of this report.

Without these contributions, the Round Table and the First Nations Council would not have achieved its impressive list of accomplishments in preparing *Promises to Keep*. As the title suggests, this status report is but a stop along the pathway that we must continue to walk to fully complete the Broad Area Plan for the east side of Lake Winnipeg and its accompanying protocols. In starting this important initiative, it is hoped that the Government of Manitoba will see it through to its fruition.

Peter André Globensky
Executive Coordinator
East Side Planning Initiative

"Promises to Keep..."

*Towards a Broad Area Plan for the East Side of Lake Winnipeg*



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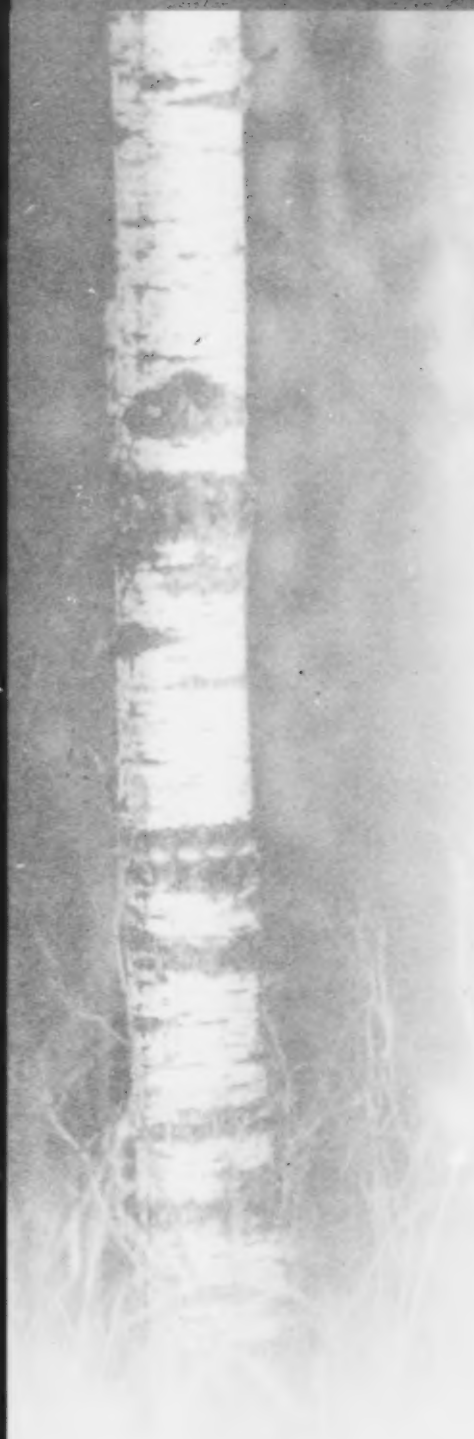
# 2. Introduction

The East Side Planning Initiative was born out of the Consultation on Sustainable Development Implementation (COSDI) that was undertaken between the fall of 1997 and the spring of 1999. The multi-stakeholder, consensus-based process produced a report that was adopted by government in October 2000. The report recommended that the implementation of sustainable development include the creation of broad area plans (BAPs) across the province. Broad area planning is defined as *integrated and coordinated planning that is based on the sustainability of the ecosystem.* Such a planning process ensures that future land, resource and development decisions address the environmental, social, health, cultural and economic needs of the public, local communities, First Nations and various stakeholders and interest groups.

The COSDI report outlines the basic framework for such a planning process. Advocating that all planning must be based on principles of sustainability, the report made recommendations regarding openness and transparency in the process, the need for relevant information to be readily available on a timely basis, the use of traditional ecological knowledge (TEK), the development of protocols to guide consultation with Aboriginal peoples and the development and use of capacity-building mechanisms to enable meaningful public participation.

The East Side Planning Initiative (ESPI) is the first large-area planning exercise since the adoption of the COSDI report. It is a complex area, requiring a complex process. It covers a large geographic area – approximately 82,000 square kilometres – housing many diverse and disparate interests. Although its population is largely situated in 16 First Nations communities, each with its own aspirations, there is a significant interest in the area by other Manitobans because it represents to some an area of pristine beauty and to others, exciting economic development potential.

East Side
Planning Initiative

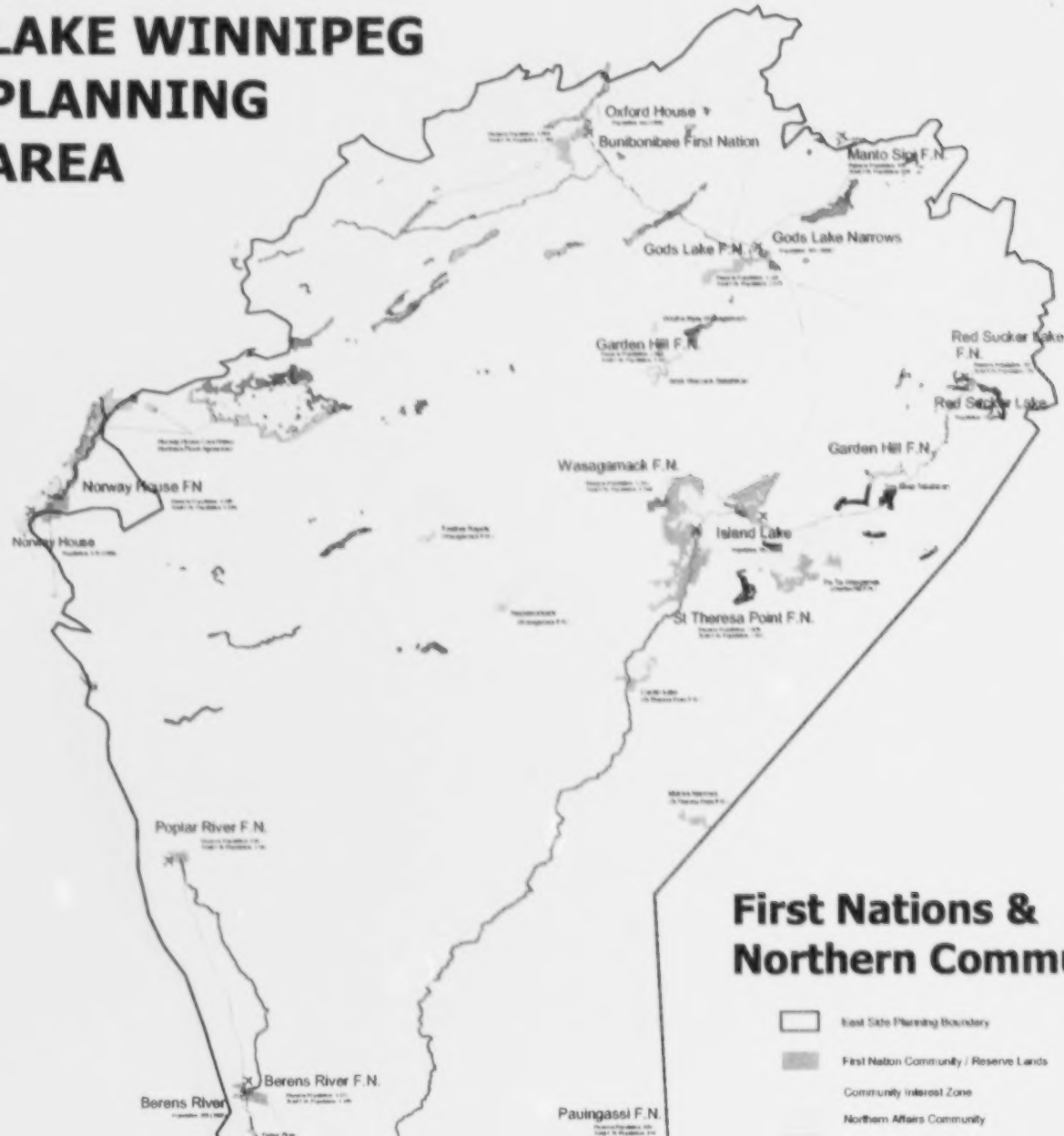


To address this mix of aspirations, and remain consistent with the COSDI philosophy, the ESPI has undertaken the task of involving local residents in the details of the planning for the future of their area.

This is a status report on the progress being made by the ESPI process in the development of a Broad Area Plan for the east side of Lake Winnipeg. By July 2004, the deadline set by government for submission of a draft plan, the process of plan development is incomplete. The East Side Round Table has engaged in the most rigorous public consultation process in the history of the province, and in the course of doing so, has developed a proposed vision for the plan area and some preliminary recommendations, as listed below. However, the process is not yet finished. More discussions with communities and First Nations are necessary in building a broad consensus for the direction to take in the emerging plan. This direction is forming, but has not yet fully formed.

This executive summary provides a detailed synopsis of the contents of the main "Promises to Keep" Status Report. A lengthy list of references used or received is also included in the master document, copies of which will be made available to east side communities. The executive summary and the main report will be available to the public in both print, electronic and CD versions and will be posted on the ESPI website. Copies of the extensive references will be available at all Manitoba Public Registry offices.

# EAST SIDE LAKE WINNIPEG PLANNING AREA



Treaty Land Entitlement Selection

- God's Lake First Nation
- God's River First Nation (Manto Sipi Cree)
- Norway House Cree Nation
- Oxford House First Nation (Bunibonibee Cree)
- Garden Hill First Nation
- Red Sucker Lake
- St Theresa Point
- Wasagamack First Nation

- Provincial Road
- Other Road
- Railway
- Winter Road Corridor
- Transmission Line Corridor
- Airport

Waterbody

- Lake
- River

**First Nation Community Census:**
**First Nations Communtiy Profiles 2001-02)**

**Northern Community Census:**
**Northern Community Profiles 1996 Census**

# 3. The Broad Area Plan: A Statement of Vision and Values

The area of eastern Manitoba contained within the boundaries of the East Side of Lake Winnipeg Broad Area Plan is one of unparalleled beauty and rugged fragility. It is some 82,000 square kilometres in area. Thirty-six thousand residents living in 34 communities inhabit the east side, and over 96 per cent of that population is First Nations peoples. The geography is part of the largest ecozone in Canada (Boreal Shield) and contains the fourth largest, contiguous boreal forest in the world. As any of its residents who live there will tell you, it is a special place, deserving of special measures to ensure that the environment is protected and all development is sustainable.

The East Side Planning Initiative (ESPI) seeks to put into practice the vision articulated in COSDI. This was "To develop an integrated framework for large area and municipal planning, significant resource allocations and environmental management decisions to ensure sustainable development in Manitoba."

The vision for ESPI is based on the fundamental principle that the land is and must continue to be protected.

Further, it is a vision which:

- equates the importance of human development with the requirement for a wise and sustainable stewardship of the land, thereby recognizing the rights of the inhabitants who live there to have access to services and necessities that will improve the quality of their lives;
- regards the East Side as a protected landscape within which economic development activities are permitted if it is agreed that they are sustainable and benefit local communities;
- believes human development must be grounded on integrated and coordinated planning that honours the social integrity of communities and the natural integrity of the environment;

East Side
Planning Initiative

- commits to planning for the sustainability of the ecosystem, where our human interactions with it must maintain or restore ecological integrity and not cause it to deteriorate;
- invites Manitobans to steward and value all the resources that may be found there. These resources include the cultural uniqueness of those who live there and the natural resources that have defined and contributed so significantly to our economy; and
- embraces the immeasurable value to our spiritual and psychological well-being that is provided by a landscape of animals, forests, water, air, soil and rock all of which comprise the natural capital of the area. This landscape has contributed to the definition of our character and identity as Aboriginal peoples, Manitobans and Canadians.

There are a number of fundamental values that surround the broad area plan and give it integrity. It is critical that the interests and desires of those who live on the east side of Lake Winnipeg be incorporated into the fabric of the plan. As well, it must incorporate an ongoing mechanism that will provide for meaningful public participation in the further development and governance of the plan. The broad area plan must recognize the enormous influence of the area's cultural landscape. As such, it will honour the significant historical relationship that continues to exist between the land and its first inhabitants, and will recognize, affirm and be in compliance with Aboriginal rights and treaty obligations. It will incorporate inclusive *Protocols of Agreement,* recognizing the importance of the consultative process and the nature of the government-to-government relationship.

The Broad Area Plan places an exceptional value on the importance of traditional ecological knowledge and sound science in the development of a comprehensive land-use planning information database. In the temporary absence of such, the "precautionary principle" will become the automatic default mechanism. In other words, in the absence of adequate information about natural resources or threshold limits, decision-making will be on the side of caution. Planning precedes development; therefore, planning must be based on verifiable and comprehensive knowledge. Without data available to support human activity or development, it is not in our best interests, nor that of the environment, to proceed.

Once completed, the East Side of Lake Winnipeg Broad Area Plan will provide strategic advice and direction to east side communities, government departments and agencies, and everyone engaged, or thinking of engaging, in commercial and recreational activities in the area.

It is with this comprehensive and collective vision, and upon these values, that the Broad Area Plan for the east side of Lake Winnipeg will be developed.

# 4. The East Side of Lake Winnipeg Broad Area Plan

Following the announcement of the Broad Area Planning Initiative for the east side of Lake Winnipeg in 2000, a three-member government review panel was established to discuss elements of the initiative with First Nations, local communities, the public, industry, non-government organizations and others interested in the future of the area. These elements included the boundaries for the planning area; the steps and timing for the planning process; major issues within and options for the area; and appropriate mechanisms to guide the input and formulate the plan. A final report was released to the public through Manitoba Conservation's Public Registry Network. The report was also placed on the East Side Planning Initiative website at ***www.gov.mb.ca/conservation/eastsideplan***. Subsequently, an East Side Round Table, an East Side First Nations Council and an Advisory Committee were struck to respectively direct and advise the process, all of which were served by a Secretariat.

Following numerous orientation and issue–presentation sessions, the Round Table and First Nations Council moved to establish an extensive round of community information sessions for residents of the east side of Lake Winnipeg.

The objectives of the community visits were to present information on ESPI; to elicit community feedback representative of community sectors that included women, youth and Elders regarding conservation, environmental issues, etc. and to exchange information to create greater awareness regarding the east side plan. The purpose and objectives of ESPI were produced on video and in print form in English, Cree, Ojibway and Oji-Cree to assist in communicating consistent information to communities and organizations.

In November 2003, members of the Round Table and the First Nations Council, with the assistance of members of the Secretariat, began a process that would engage all 34 east side First Nations, Northern Affairs and Métis communities in over 80 initial meetings. Comments from the community visits were

East Side
Planning Initiative

carefully recorded and presented in a document entitled *What We Heard* (see full report appendices, Public Registry and ESPI website).

Using working groups derived from the membership of the Round Table, the First Nations Council and Advisory committees, the process then focused on preparing preliminary recommendations for the BAP. With the knowledge that a final plan was not possible to achieve within the time frame specified by government, the Round Table and First Nations Council decided to compile a status report based on the observations, submissions and recommendations gathered to date. As a result of this, the need for an ongoing mechanism was seen as critical.

The majority of recommendations in this report are drawn from the issues identified during the community visits and summarized in the "What We Heard" documents. It must be emphasized that the initial community visits were strictly introductory, and should not be viewed as consultative. In fact, a commitment was made to provide resources for engaging in community planning to provide more deliberate input to the process. This is one of the "promises to keep." It also means that the specific recommendations in the report must be considered provisional until further discussion and consultation opportunities are completed and the East Side First Nations Council has had the opportunity to formulate additional community-based recommendations.

Parallel to this process, the First Nations Council initiated negotiations with the Government of Manitoba to strike a *Memorandum of Understanding* committing First Nations governments on the east side of Lake Winnipeg and the Government of Manitoba to negotiate *Protocols of Agreement* that would become a central component of the Broad Area Plan. The Manitoba government committed to a similar process for the Métis Nation resident on the east side of Lake Winnipeg.

## Mandate Summary

The mandate provided by the Minister of Conservation to the East Side Round Table (ESRT) and the First Nations Council (FNC) was identified in the *Phase I Final Report*. It called for recommendations for the development of a broad area plan that would take the following topics into consideration. Chapters 5 and 6 elaborate each of the mandate issues:

Treaty and Aboriginal Rights; Aboriginal and Community Development; Traditional Activities; Protected Areas; Consultations on Land and Resource Allocations; Existing Land Uses and New Development Proposals; Forest Resources; Transportation Issues; Tourism and Recreation; Hydro Issues; Mining Issues; and Other Issues such as research and data needs.

As well, the mandate identified the minimum components of the plan as:

*"A vision for the planning area; goals and objectives based on the needs of the area; ecosystem, land use and resource management principles and/or*

*codes of practice; a land use zone map with policies and/or guidelines for each zone; procedures for the regular review and amendment of the approved plan; and a glossary of significant resource allocations, licenses, permits and other allocations and the issuing body."*

While many components have been incorporated into the status report, the analysis and recommendations are but preliminary and the development of the Broad Area Plan remains very much a work-in-progress.

## The Public Participation Process

In launching the East Side Planning Initiative, the government committed to a public participation process to gather the views of residents of the east side of Lake Winnipeg, stakeholders and all Manitobans. The future of this important and delicate ecosystem will be determined by the principles of wise stewardship and sustainable resource management that are established within the Broad Area Plan. It is why the government called for comprehensive public engagement in charting a future for this resource-rich and ecologically significant environment.

It is a cornerstone of our democratic heritage that people have an inherent right to be engaged in decision-making processes that affect the quality of their lives. While much remains to be completed in this process, it is clearly evident that all participants have committed themselves to as rigorous and thorough a public process as resources will permit.

In the preparation of preliminary recommendations for the Government of Manitoba on the general content of the Broad Area Plan, and some of the more important processes that must now be pursued (the *Protocols of Agreement*), the East Side Round Table and the First Nations Council committed themselves to an extensive and comprehensive public consultation process. Some of the many activities are summarized below:

- Substantial documentation and information including public comments received during the preliminary discussions phase of the planning initiative and Round Table & First Nation Council minutes and presentations, have been placed on the Manitoba Public Registry (Registry File # 4718.00) and on the East Side Lake Winnipeg Planning Initiative website. ***http://www.gov.mb.ca/conservation/eastsideplan/***
- A multilingual information kit (English, Cree, Ojibway, Oji-Cree & Syllabics) consisting of a video presentation, CD, core summary documents, detailed maps and a community questionnaire, has been prepared for public review.
- A first round of community, information-sharing visits engaging the 34 First Nations, Northern Affairs and Métis communities on the east side of Lake Winnipeg has been completed. To date, over 80 community visits and meetings have been held on the Broad Area Plan.
- The East Side Round Table published and distributed *What We Heard*, a compendium of observations, recommendations and concerns expressed by

***"There are communities like ourselves all over the country who have long looked after lands not as owners, but as caretakers of this great land. This is how we were taught as Native people; land is not something you own, land is a gift that you use, to live on it, to protect it and look after it. That principle was used by our people and continues to be used today."***

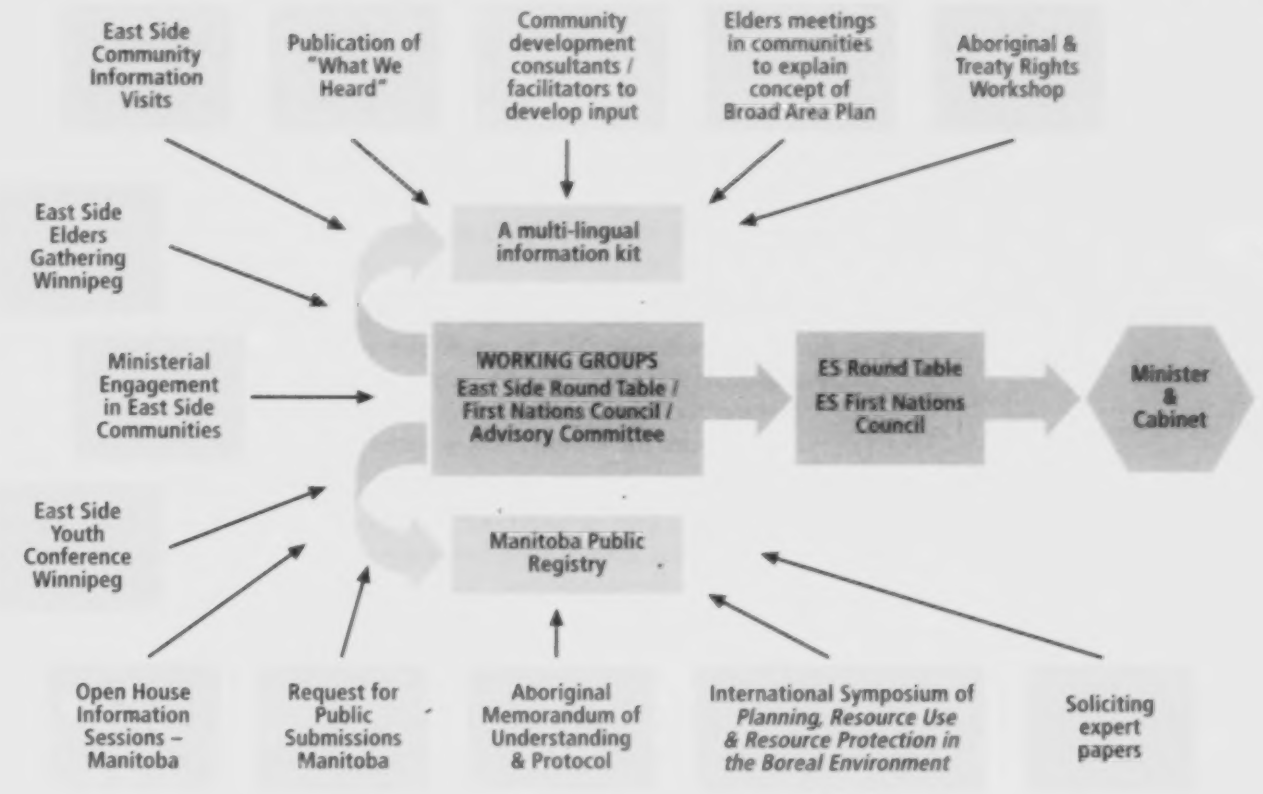
(Poplar River community member Poplar River – Website)

community residents gathered during the first round of community visits. The document is cross-referenced by community and by issues.

- Resources will be made available through the engagement of community development consultants to assist the east side communities in further developing their positions and inputs to the Broad Area Plan through the second stage of community visits.
- As 96 per cent of the population of the east side of Lake Winnipeg consists of First Nations peoples, the Round Table and the First Nations Council organized an Elders gathering to begin receiving their recommendations and concerns about the Broad Area Plan. Elders are invited to all Round Table and First Nations Council meetings.
- The Round Table and the First Nations Council organized a workshop on "Recent Case Law and Aboriginal & Treaty Rights and Entitlements" to consider the impact of such on the east side of Lake Winnipeg.
- There were three Open House information sessions in Manitoba where documentation was made available and the scope and intent of the Broad Area Plan was explained to interested Manitobans. Submissions, recommendations, concerns and observations were solicited through questionnaires.
- The First Nations on the east side of Lake Winnipeg and the Government of Manitoba have signed a *Memorandum of Understanding,* the first step in negotiating *Protocols of Agreement* that will be incorporated into the Broad Area Plan. A similar process has been recommended to the Government of Manitoba regarding the Métis Nation resident on the east side of Lake Winnipeg.

The public participation process is an integral and vital part of the development of the Broad Area Plan for the east side of Lake Winnipeg.

## Public Participation Process


East Side Community Information Visits
Publication of "What We Heard"
Community development consultants / facilitators to develop input
Elders meetings in communities to explain concept of Broad Area Plan
Aboriginal & Treaty Rights Workshop
East Side Elders Gathering Winnipeg
A multi-lingual information kit
Ministerial Engagement in East Side Communities
WORKING GROUPS
East Side Round Table / First Nations Council / Advisory Committee
ES Round Table
ES First Nations Council
Minister & Cabinet
East Side Youth Conference Winnipeg
Manitoba Public Registry
Open House Information Sessions – Manitoba
Request for Public Submissions Manitoba
Aboriginal Memorandum of Understanding & Protocol
International Symposium of *Planning, Resource Use & Resource Protection in the Boreal Environment*
Soliciting expert papers

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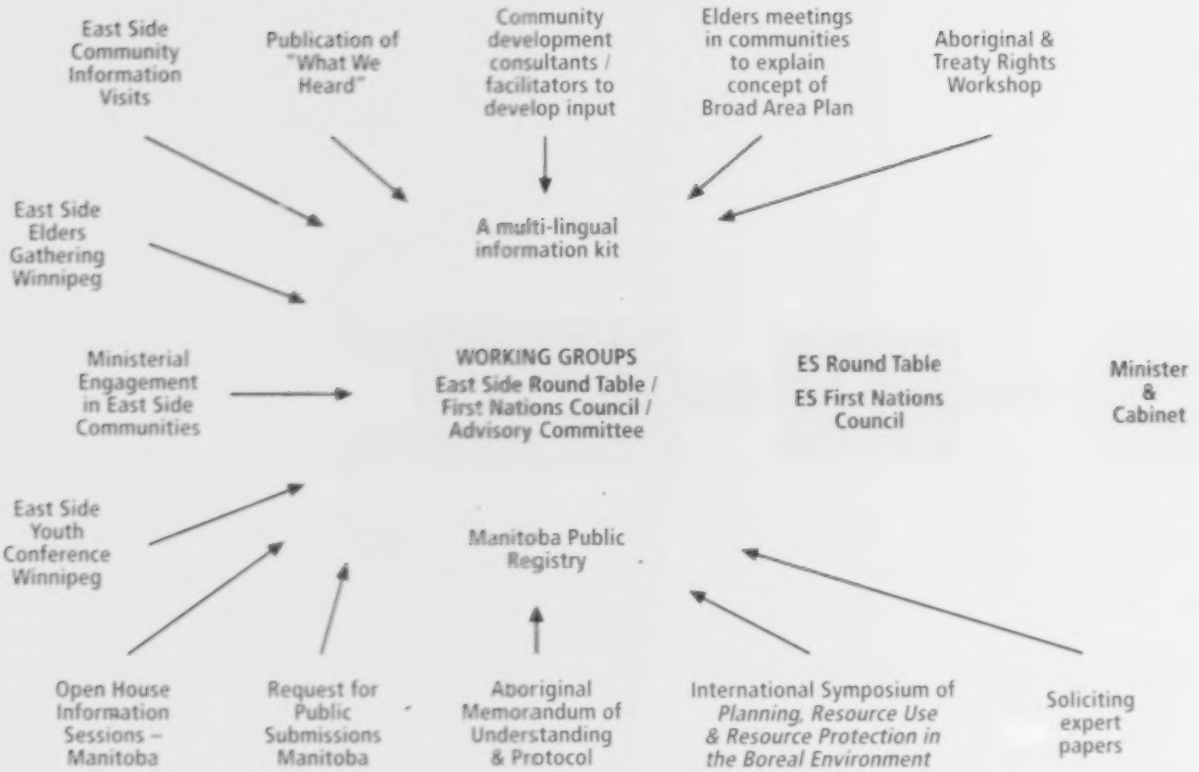
## Public Participation Process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Open House Information Sessions – Manitoba
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# 5. Overarching Themes & Recommendations of General Application

## 5.1 Solidifying an Ongoing Process: Continuing the Creation of a Broad Area Plan & Possible Options – An Interim Planning Authority

As has been indicated above, it is clear that much has been done, and much remains to be done. The submission of this preliminary report can be but a bridge to the ongoing work required to complete this complex and important process. This unique initiative has both raised expectations and provided all parties with an opportunity to chart new, more constructive relationships.

Indeed, few jurisdictions in Canada have undertaken an initiative of such breadth, scope and vision. With patience and perseverance, it has the potential to significantly contribute to broad area planning in Canada. The essence of this broad area plan will be the significant breadth of community support that it will enjoy because of the engagement of communities, residents and stakeholders who have an abiding interest in the future of the east side.

It is, therefore, essential that the government not break faith with this process and that the development of the Broad Area Plan proceed, unimpeded. The East Side Round Table and the First Nations Council have been told repeatedly that this is one of the most comprehensive public participation processes that the Government of Manitoba has undertaken. If it continues to be done with care and patience, the end product will be well worth the effort expended.

The East Side Round Table and First Nations Council remain convinced that an ongoing structure and mechanism external to, but reliant upon, government and partner resources is essential to the completion of the Broad Area Plan for the east side of Lake Winnipeg and its accompanying protocols. This ongoing mechanism, which we characterize as an *East Side First Nations Council*

East Side
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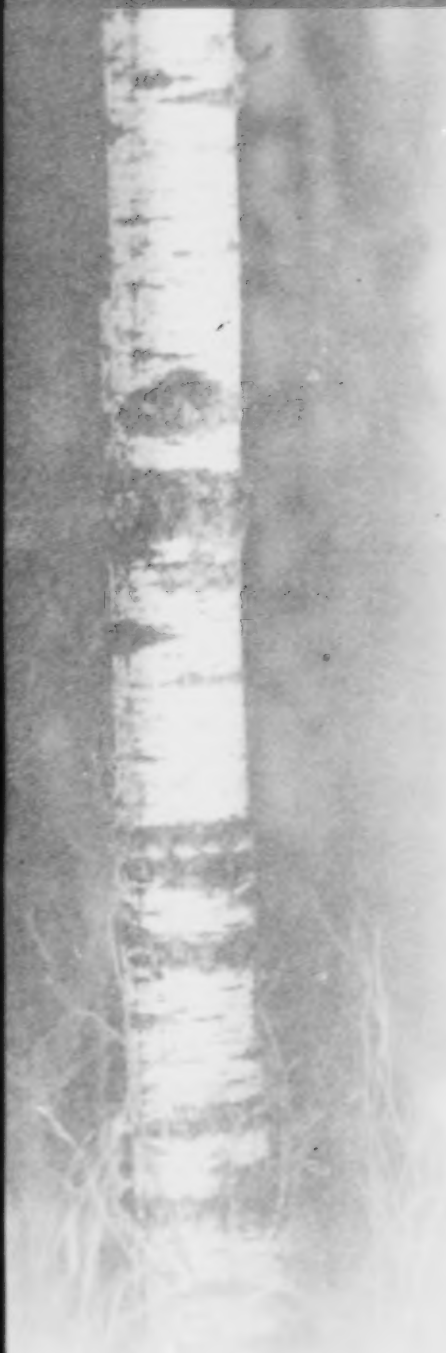


(ESFNC), would be an interim structure with specific responsibilities and authorities. The ESFNC would continue until such time as the Broad Area Plan is formally adopted and replaced with an appropriate, permanent collaborative governance mechanism. Options for the establishment of the ESFNC are considered below. Because this is an interim arrangement, the establishment of the ESFNC must be simple to accomplish. There will be no time for lengthy administrative or legislative processes to establish and empower the ESFNC. As well, the system under which the ESFNC makes decisions and recommendations must be straightforward and efficient.

The short-term nature of this arrangement also means that the current legislative and regulatory decision-making processes, such as environmental assessment and licensing, natural resources permitting and forest management practices, will remain in place. The challenge is to provide the ESFNC with the ability to make decisions where legislation allows and have extraordinary influence in areas where it has no explicit legislative support.

There are a number of ways such a body can be established and a number of factors to consider regarding the options for establishing and empowering the ESFNC. Current legislation and negotiated agreements provide authority and precedent for the establishment of the ESFNC with appropriate powers for an interim regime on the east side.

*The Planning Act* provides two options for establishing and empowering the ESFNC on the east side of Lake Winnipeg. Section 10 of the act allows Cabinet, following consultation with the councils of nearby communities, to designate an area of special regional or provincial significance as a "special planning area." The designation enables, among other things, the protection and conservation of the environment and of natural resources. The designation includes conditions attached to the area during the planning process, including the temporary suspension of existing development plans and a moratorium on new development except with the written permission of the minister.

Another designation option exists under *The Planning Act* (Section 99). The act deems the Minister of Northern Affairs to be the council for areas that are not incorporated communities and allows the minister to delegate some of his/her powers to a local committee or community council – to enact a development plan bylaw and a zoning bylaw for the area.

Under either of these designations, and based on the principles and recommendations articulated in this status report, the ESFNC could work co-operatively with First Nations governments, the Métis Nation government and the councils of the incorporated communities to develop some interim principles and criteria for development. Proposed developments would be vetted by the ESFNC to ensure they were consistent with these principles and criteria.

As a third option, *The Northern Affairs Act* provides the Minister of Northern Affairs with the authority needed to ensure orderly governance in the northern parts of the province. To this end, the minister acts as a municipality (except in incorporated communities). The minister can designate an area as a community and appoint a local committee to provide local services and act in an advisory/consultative capacity to him/her. The minister can delegate planning and management services to the local committee.

In a similar fashion to the options under *The Planning Act,* the Minister of Northern Affairs could establish the ESFNC as a local committee under *The Northern Affairs Act* and provide it with bylaw-making powers with respect to interim planning and management services.

As a possible supplement to the above options, there is opportunity under *The Wildlife Act* to strengthen the wildlife management capability of the ESFNC. The act provides for the minister to enter into agreements with any group or individual for the joint management of wildlife, which includes the development and implementation of joint informational, educational or training programs; the conduct of joint biological or ecological investigations; and the joint management of wildlife habitats. A fourth option involves the *Northern Flood Agreement (NFA),* negotiated in response to the adverse environmental and social impacts caused by hydroelectric development in northern Manitoba. It led to the development of share-management agreements with the First Nations that were signature to the NFA. Other First Nations communities have also negotiated share-management agreements.

The use of a share-management agreement with the ESFNC, as representative of the area outside the incorporated communities, is a possible approach to providing the ESFNC with the authority it needs to undertake its interim responsibilities. A problem is that the development of a share-management agreement is generally a negotiated process that takes considerable time to complete. Given the wide representation on the ESFNC, there could be quite diverse opinions about the terms of the agreement. As well, the *Protocols of Agreement,* which are to be a fundamental part of the final Broad Area Plan, are likely to focus extensively on share-management agreements.

The proposed arrangement raises the question of the relationship between the larger area and the local communities. ESFNC should develop principles for decision-making during the interim period vis-à-vis the relationship between the ESFNC and individual communities.

However it is accomplished, it is critical that through whatever means are available, the ESFNC should be given sufficient status to influence the legislated government decision-making processes currently in place.

***"After some 500 years of a relationship that has swung from partnership to domination, from mutual respect and co-operation to paternalism and attempted assimilation, Canada must now work out fair and lasting terms of coexistence with Aboriginal people."***

(RCAP)

## 5.1 Recommendations

**5.1.1**
The Government of Manitoba commit to continuing a comprehensive process of dialogue, negotiations and consultations with the inhabitants of the east side of Lake Winnipeg, and stakeholders to ensure the development of all components of the Broad Area Plan for the east side of Lake Winnipeg including a *Protocol of Agreement* with East Side First Nations Governments which must respect, recognize and protect Aboriginal and Treaty Rights.

**5.1.2**
The Government of Manitoba also commit to negotiating, as part of the Broad Area Plan for the east side of Lake Winnipeg a *Protocol of Agreement* with the Métis government representing the Métis Nation resident on the east side of Lake Winnipeg, which must respect, recognize and protect Aboriginal Rights.

**5.1.3**
The Government of Manitoba acting solely or in concert with other partners provide adequate human and financial resources to permit the comprehensive on-going process to complete all components of the Broad Area Plan including the *Protocols of Agreement.*

**5.1.4**
The Minister of Conservation actively explore the possibility of creating a resources and financial partnership with other provincial departments, the federal government, east side First Nations, the private sector, public agencies and environmental non-governmental organizations in order to generate a pool of funds and other resources to permit the on-going development of a comprehensive Broad Area Plan.

**5.1.5**
The Government of Manitoba re-organizes the structural and operational support mechanisms for the on-going process by continuing with the East Side First Nations Council, which would receive advice from an advisory body, and would serve until such time as the Broad Area Plan and the *Protocols of Agreement* are completed and adopted by the Government of Manitoba, First Nations and Métis governments.

**5.1.6**
The East Side First Nations Council be provided with a renewed mandate:

- To continue to facilitate and support negotiations and consultations on Protocols of Agreement with the First Nations governments;
- To continue to facilitate and support negotiations and consultations on a Protocol of Agreement with the Métis government representing the Métis Nation resident on the east side of Lake Winnipeg;
- To continue to provide and collect information, consider and analyze community and individual submissions, engage in discussions and prepare

the final recommendations for the Broad Area Plan for the East Side of Lake Winnipeg pursuant to the mandate initially provided by the Minister; and

- To assume planning authority for land use and development within the territory of the broad area plan in providing the Government of Manitoba with direction and advice on major, large-scale land use developments or initiatives.

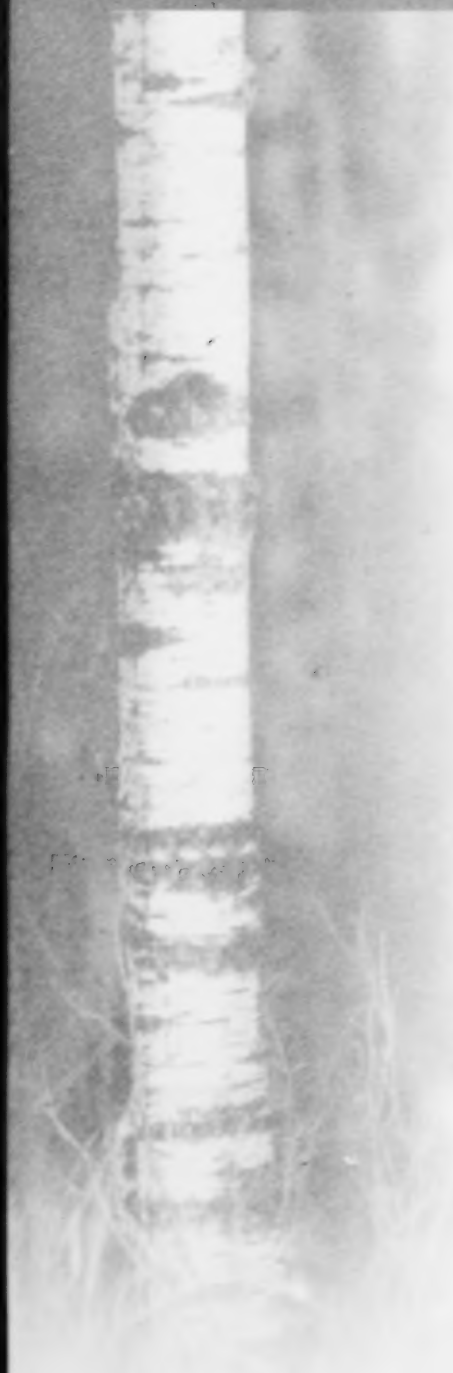
Until such time as the Broad Area Plan and the Protocols of Agreement have been concluded, the East Side First Nations Council shall assume planning authority for lands in the planning area at the earliest possible opportunity.

**5.1.7**
The Government of Manitoba consider the options identified in 5.1 in establishing and defining the planning authority for the East Side First Nation Council.

**5.1.8**
The Government of Manitoba shall consult with the East Side First Nations Council and seek its direction and recommendations on all major new land use developments, including cottage lot developments, or initiatives, such as those described in Phase 1 – Final Report, occurring within the planning boundaries of the east side of Lake Winnipeg. As such, the East Side First Nations Council will exercise regional planning powers to the maximum extent allowable under existing legislation or case law, until such time as the Government of Manitoba is in receipt of the final recommendations constituting the draft Broad Area Plan for the east side of Lake Winnipeg. It is understood that this authority extends only to those lands outside of reserve lands or Treaty Land Entitlements within the planning region, and in which First Nation and Métis Nation Governments, and the Government of Manitoba assert sole or joint interest and jurisdiction.

**5.1.9**
With respect to the composition of the East Side First Nations Council (ESFNC),

- The ESFNC be presided over by an independent Chair whose appointment is subject to the mutual agreement of the ESFNC and the Government of Manitoba;
- The ESFNC will consist of the twenty-one (21) members – sixteen (16) East Side First Nation Chiefs or their designates, one (1) representative from the Métis Nation government, or their designate, and four (4) representatives nominated by the East Side Round Table, with a preference for the inclusion of current members; and
- The ESFNC will be assisted by an East Side Advisory Committee, the members of which shall be agreed upon by the ESFNC and the Government of Manitoba.



**5.1.10**
All decisions of the ESFNC be subject to the principle of a "double majority", that being the majority of the ESFNC members and the authorized representative to the ESFNC of the First Nation governments within whose traditional lands, the land use activity is proposed to take place. It is understood by this principle, that no major developments may proceed without the expressed consent of the First Nation so affected. Conversely, should the ESFNC not approve a First Nations land-use initiative, it is incumbent upon the applicant First Nation, as part of a mediation process, to indicate how the initiative is consistent with the values and principles of the Broad Area Plan.

**5.1.11**
The ESFNC be supported by a sufficiently resourced and independent Secretariat, the head of which is appointed following the joint concurrence of ESFNC and the Government of Manitoba.

**5.1.12**
The ESFNC be assisted in the process of finalizing the Broad Area Plan recommendations for the east side of Lake Winnipeg by the East Side Advisory Committee recognizing that membership in this committee may have to be re-constituted so as to remain current. The ESFNC may wish to continue to use existing Broad Area Plan Working Groups or create other such support mechanisms.

**5.1.13**
It is understood that all such developments or initiatives identified in recommendation 5.1.8 above be subjected to a comprehensive *Aboriginal and Treaty Rights and Traditional Lands Impact Assessment as part of any Environmental Impact Assessments* that may be required. It is further recommended that the ESFNC, early in its mandate, commission research in order to establish an acceptable methodology for conducting such an assessment.

**5.1.14**
Consistent with the approach identified in 5.3 *Initiatives to Protect the Integrity of the Boreal Environment*, that all of the lands within the boundaries of the Broad Area Plan for the east side of Lake Winnipeg, external to human settlements are considered as "Protected" as further elaborated in Chapter 5.3, and pursuant to the processes defined above, it is understood that in this context, the ESFNC will assume planning authority for land use and development within the territory of the Broad Area Plan in providing the Government of Manitoba with direction and advice on major, large-scale land use developments or initiatives.

## 5.2 Building Positive Relationships with Aboriginal Peoples: *Protocols of Agreement*

### *Mandate*

*"The east side plan recognize, affirm and be in compliance with treaty obligations and Aboriginal rights and be consistent with the consultation/ protocol guideline recommendations of the COSDI Report respecting First Nations and Aboriginal peoples."*

The majority of the residents living on the east side of Lake Winnipeg are Aboriginal peoples, the greater numbers of which are First Nations. Sixteen First Nations communities make up nearly 96 per cent of the total population resident on the east side. Members of the Métis Nation are comparatively smaller in number and most live within communities under the jurisdiction of Aboriginal and Northern Affairs.

Developing a Broad Area Plan for the east side of Lake Winnipeg is the objective of the ESPI. Because First Nations peoples represent the majority population and because of their historical and cultural relationship to the land First Nations people are a key component to this process. The Métis Nation also has this special relationship to the land. For that reason, their views and concerns must be an important component to the planning process.

Within the past eight months, ESPI teams made approximately 80 visits to communities throughout the east side of Lake Winnipeg to provide information and listen to concerns of residents. The message from many communities was the hope that the ESPI process could give them a forum to convey views and opinions on the pressing issues, respecting their traditional territories and the environment. Among the concerns heard in many communities was that resource development and economic activity often happened in and around their areas without local input or benefit.

As noted in this report, because of Treaty and Aboriginal rights and a unique relationship with the land, First Nations governments and the Métis Nation government on the east side of Lake Winnipeg must be not only participants, but also partners, in future planning on the east side. To help ensure this partnership, a *Memorandum of Understanding* (MOU) was signed in April, 2004, between the Province of Manitoba and 13 First Nations on the east side of Lake Winnipeg. The MOU represents a commitment by both parties to work together in protecting the environment and boreal forest on the east side and ensuring a safe and secure future for all who live there.

The next stage of this process is to resolve issues and build consensus on initiatives respecting a Broad Area Plan for the east side of Lake Winnipeg. It is believed this will best be achieved through *Protocols of Agreement* between First Nations on the east side of Lake Winnipeg and the Province of Manitoba. This agreement would contain a set of rules for working towards negotiation

***"Manitoba work in partnership with Aboriginal peoples to develop a cooperative protocol to address the involvement of Aboriginal peoples where their land and resource use planning, significant resource allocation, development assessment and review and regulatory mechanisms, including effects assessment tools and documents are affected."***

(Consultation on Sustainable Development Implementation – 1999)

and consensus. There will also be a need for a separate protocol negotiation process between the province and Métis Nation resident on the east side of Lake Winnipeg.

## 5.2 Recommendations:

**5.2.1**
A Protocol of Agreement be developed between the Government of Manitoba and First Nation governments on the east side of Lake Winnipeg and that the agreement will become an integral part of the Broad Area Plan and serve to guide its implementation.

**5.2.2**
A Protocol of Agreement be developed between the Government of Manitoba and the Métis Nation government representing the Métis Nation resident on the east side of Lake Winnipeg and that the agreement will become an integral part of the Broad Area Plan and serve to guide its implementation.

**5.2.3**
The Government of Manitoba should finalize outstanding Treaty Land Entitlement issues with First Nation governments on the east side of Lake Winnipeg.

**5.2.4**
The Government of Manitoba must develop a resource-sharing framework for the east side of Lake Winnipeg within the context of the Protocols. The framework may require two levels: an umbrella agreement between Governments of Manitoba, First Nations and the Métis Nation to serve as guiding principles for the area. Second level agreements will be required between Governments of Manitoba, First Nations and the Métis Nation Governments on specific land use. Agreements for specific land use decisions would include but would not be limited to access, revenue sharing, procurement, capacity building, shared stewardship, and environmental management.

**5.2.5**
Such agreements should be concluded on all resource uses within Aboriginal traditional territories prior to implementation of recommendations of the Broad Area Plan. For example, these agreements could include share-management arrangements for various natural resources within the planning area, including but not limited to provisions for royalty and/or revenue sharing and other benefits with First Nations Governments and the Métis government representing the Métis Nation resident on the east side of Lake Winnipeg for resources removed from traditional lands.

**5.2.6**
The Government of Manitoba, crown corporations and other public agencies, and the private sector must recognize, respect, and honour local agreements between east side First Nations Governments and the Métis Nation resident on the east side of Lake Winnipeg respecting development within traditional, cultural, and resource territories, as this is instrumental in creating greater control and participation for local communities.

**5.2.7**
Community-based land use planning, consistent with the values and principles of the Broad Area Plan, should be initiated or completed prior to any development activities within their traditional lands. It should guide the identification and development of resource-based opportunities, including protected areas and infrastructure development in the east side planning area. As has been indicated elsewhere in this report it is of paramount importance that adequate resources be made available to assist First Nation and Métis Governments and Northern Affairs communities in land use planning. Community-based land use planning must be given priority attention by all governments engaged or impacted by this process.

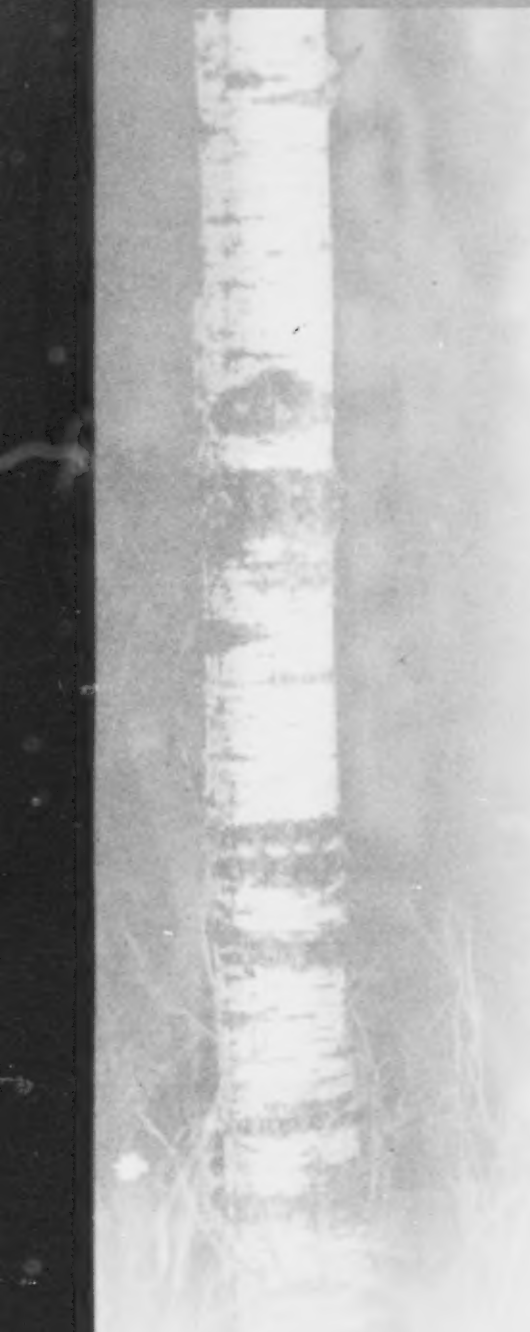
**5.2.8**
All future discussions, consultations and negotiations between the public and private sectors, and First Nations and Métis Governments and Northern Affairs communities on the east side of Lake Winnipeg be subject to the protocols defined for such activities in the on-going governance mechanism adopted to oversee the implementation of and adherence to the Broad Area Plan for the East Side of Lake Winnipeg.

**5.2.9**
Whatever on-going mechanism is established to oversee the implementation of and adherence to the east side of Lake Winnipeg Broad Area Plan, it include monitoring and compliance powers to ensure that both public and private sector resource users comply with all components of the Protocols with First Nations and Métis governments respecting the Broad Area Plan for the east side of Lake Winnipeg.

## 5.3 Initiatives to Protect the Integrity of the Boreal Environment

One of the three fundamental principles guiding the advice the East Side Round Table provides to government on the Broad Area Plan is: "Maintaining the ecological integrity and biological functions of the boreal forest within the planning area."

Based on this principle, maintaining the integrity of the boreal environment on the east side has been a core consideration in the development of the plan. Generally, this means the free operation of natural ecological processes that



bring about ecosystem self-organization, diversity, resilience, long-term change and renewal. Ecological integrity is an ecosystem state of being, and needs to be seen as something to be maintained over time. It results in a landscape in which there is a full complement of species, natural populations, interdependent relationships, diverse habitats and multiple pathways for energy flow through the ecosystem. On the east side, we are also speaking of a landscape that continues to support Aboriginal people who occupy and use the land.

The boreal environment in the east side planning area is unique in several ways. It is inhabited by 16 First Nations that have occupied it for millenniums, and it is large – approximately 82,000 square kilometres. It is a mostly undisturbed (by human activity) and contiguous forest and wetlands complex representing one of the few remaining, mainly untouched, broad area landscapes in mid-Canada. As well, there has been relatively little economic development within it, although it is widely recognized that the economic development potential on the east side is high and virtually unexploited. This makes sound planning a necessity.

Potential threats to ecological integrity on the east side take the form of unsustainable levels of economic activity, or allowing it to occur in sensitive locations. There are also concerns over the gradual inhabitation of shorelines by cottage owners and their subsequent demand for services, and the suppression of wildfire, which gradually threatens the whole forest with major conflagration. The challenge is to achieve a consensus on how to use and protect this landscape in a sustainable manner and to do so using current scientific data and traditional ecological knowledge.

There have already been several initiatives aimed at achieving long-term protection for portions of the east side. The protected area network is intended to contain adequate representation of significant enduring features in each of the 18 natural regions and sub-regions in Manitoba. On the east side, 14 per cent of the land area is already under formal protection within parks and includes the Poplar/Nanowin Rivers Park Reserve. This reserve comprises approximately 7,400 square kilometres of the traditional lands of the Poplar River First Nation. The First Nation is presently engaged in a community-based, land-use planning project to determine what land uses and further protections will be applied within the Park Reserve area.

In *Manitoba's Action Plan for a Network of Protected Areas,* the province has committed to a public process for reaching decisions on designating protected areas under the act. The 1998 *Memorandum of Understanding* between Manitoba and the Assembly of Manitoba Chiefs and the Manitoba Keewatinowi Okimakinak (MKO) outlines a process of identifying, establishing and managing a network of protected areas. These decision-making processes should be developed as a component of the Broad Area Plan.

In 2002, Poplar River, Pauingassi, Little Grand Rapids and Bloodvein First Nations, along with Pikangikum in Ontario, agreed in a signed accord, to join

their traditional territories together, as one large protected area under their stewardship. This huge area includes the traditional territory of the Pikangikum First Nation on the Ontario side. Together, the five First Nations have agreed to co-operate in the protection and care of these lands as a sacred trust. Further, the five First Nations in the accord have requested that their initiative be given international recognition by being considered as a UNESCO World Natural and Cultural Heritage Site.

A related activity stems from the Canadian Boreal Initiative. The initiative has advanced a framework for boreal forest conservation that seeks to give the highest level of protection to at least 50 per cent of the forest, and support sustainable communities in the remainder, through development based on state-of-the-art stewardship and management practices. The vision of the initiative is to safeguard ecological integrity in the forest, apply sustainable development practices, and ensure local and First Nations engagement in land management decisions.

To accomplish this, the framework calls for an interconnected network of large protected areas across the boreal band of forest. It should be stressed that the Canadian Boreal Initiative envisions protection and sustainable communities on the same landscape. The initiative does not conflict with the goals of protection as advanced by First Nations in their 2002 accord.

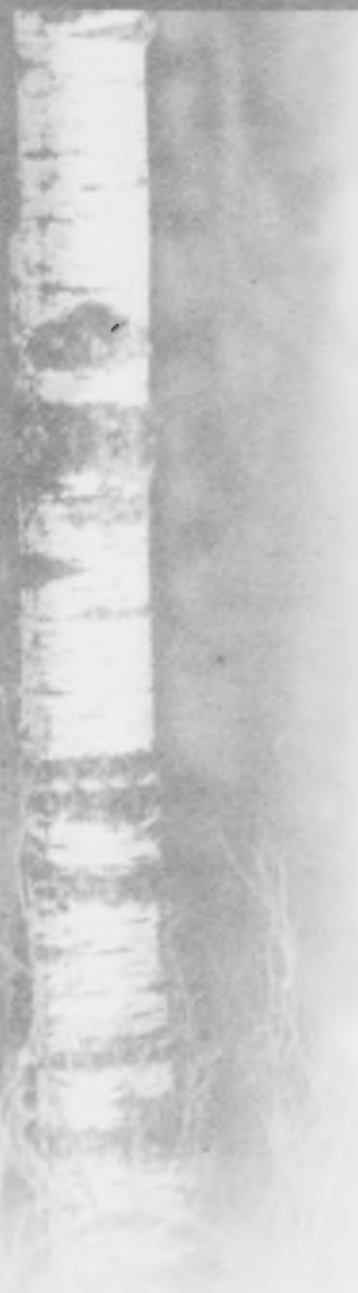
It is clear that the meaning of the term "protection," as used in the First Nations Accord, although not specifically defined, is different from its meaning in the Manitoba Parks Act or other acts and regulations. The difference seems to be two-fold. First, protection in legislation involves the prohibition of certain land uses such as mining and logging. If managed within the framework of traditional values and knowledge and under the guidance of Elders, it is apparent that the First Nations' concept of "protected" does not necessarily prohibit these land uses, and could include local stewardship of forest resources and other developments.

With these differences in mind, there are two notions of what we mean by "protected". To some, "protected" means lands on which some land uses, such as resource extraction, are prohibited by law. To others, "protected" means lands that are cared for and used according to traditional approaches and the land is passed undamaged to subsequent generations. Both notions need to apply within the plan area.

It is important, therefore, to conceive of the whole planning area as protected, and that within it, there are sub-areas with different levels of protection. The highest level of protection could be the parks and other areas that are protected through legislation. These could continue to be land areas where certain uses are prohibited by law. Other levels of protection can be applied to other land uses within the plan area. These require the stipulations that land use decisions need to be based on adequate knowledge of effects and thresholds, as well as on the clear preferences of the communities affected, based on a thorough process for consultation.

***"The northern boreal ecoregion accounts for about one third of this planet's total forest area. It is comprised of a broad circumpolar band which runs through most of Canada, Russia, Scandinavia and parts of Northern Scotland. Compared to much of the world, this ecoregion enjoys a sparse population and thus one would think, few threats to its immense and majestic beauty. However the reality is quite different."***

- Sierra Club



## 5.3 Recommendations

**5.3.1**
The entire planning area is envisioned as "protected", in the sense that First Nations use the term, as described above. In practice, decisions on new economic developments (forestry, mining, tourism, etc.), or on the limitations imposed pending completion of the Broad Area Plan, would require the concurrence of the East Side First Nations Council (ESFNC). All resource development decisions that are made for the area would be assessed on the basis of whether they affect protection, in addition to the usual considerations. Existing licenses and developments would continue. This approach is similar to and mirrors the intent of the protection afforded the territorial lands of the five First Nations that signed the Protected Area Accord.

**5.3.2**
The Government of Manitoba play an active role with the federal government in establishing a UNESCO (U.N.) World Natural & Cultural Heritage Site on the east side. The site should include the land area encompassed in the application by the five First Nations signatory to the protected areas Accord, and Atikaki[1] and Woodland Caribou Provincial Parks.

**5.3.3**
The Government of Manitoba request the East Side First Nations Council to identify specific levels of protection within the planning area, including protection conferred by Order-in-Council, and other forms of protection, as determined by the ESFNC. In so doing, the guidance and principles given by the Boreal Forest Conservation Framework should be considered. This would result in a portion of the planning area receiving the highest level of protection, consistent with the principles of the Canadian Boreal Initiative, and other areas identified to support sustainable communities and resource stewardship activities.

**5.3.4**
First Nations and the Métis Nation resident on the east side who have been denied traditional uses of designated protected areas within established parks, such as Atikaki, should be advised that they have these rights.

**5.3.5**
The process for evaluating and recommending areas to be formally protected by Order-in-Council should be accelerated and improved to ensure that First Nations, the Métis Nation resident on the east side, local communities and affected stakeholders are brought together and strive for a consensus, and that east side communities have a higher standing in the process.

**5.3.6**
The improved and accelerated review process should be followed for the eight large ASIs in Natural Region 4b, in order to ensure that these enduring

[1] Atikaki – From the Ojibway words "Atik" meaning "caribou" and "Aki" meaning "land".

features are properly recognized and captured within the protected areas network. In addition, the improved review process should be used to evaluate and recommend the three smaller protected area proposals in Natural Region 4c.

**5.3.7**
The Government of Manitoba provides the necessary resources to complete these evaluations for ASIs in Natural Regions in 4b and 4c within the next two years, and updates its Action Plan for a Network of Protected Areas, including goals objectives and timelines, by the end of the current fiscal year.

**5.3.8**
The 1998 Memorandum of Understanding signed between the Manitoba Government and First Nations on how they will cooperate on protected areas should be extended and followed.

**5.3.9**
Two new land use categories are needed for designating protected areas under appropriate provincial legislation. One is needed to protect First Nations' and Métis Nation's sacred, historical and burial sites without disclosing the exact location. This is to protect the sites from damage and impacts. These do not need to be parks or ecological reserves. The other is recognition of First Nation Traditional Lands. These lands could be situated inside or outside of parks. This recognition would mean lands protected and cared for utilizing traditional First Nation and Métis Nation values, approaches and ecological knowledge, and with activities prescribed by local decision-making and control. Where there are shared traditional territories, First Nations would be invited to develop a common approach which would satisfy their mutual interests in the territory.

**5.3.10**
Individual protected areas in parks without management plans should have them developed, and a plan review process established within 2 years. Protected areas without management plans, outside of parks, should have them developed and a plan review process be established within two years. All protected areas should be reviewed against the potential impacts of climate change, fire, insects and disease, maintenance of ecological processes, surrounding incompatible land uses in the area, and appropriate strategies developed (e.g., Fire Smart Program in Jasper National Park). This formal periodic review should be supported by continued monitoring efforts that involve and employ local people.

**5.3.11**
The Government of Manitoba develop and utilize adaptive ecosystem based management standards and practices. As an example, measures are needed to protect water ways and bank (riparian) features.

**5.3.12**
The Government of Manitoba secure sufficient financial and human resources, including contributions from other partners (federal government, public & private sector, environmental non-government organizations) to permit east side First Nations to undertake and/or complete *Traditional Ecological Mapping* of their traditional territories.

**5.3.13**
With the fundamental recognition that accurate and proficient land use planning can only proceed with timely and topical information, and mindful of the equally fundamental application of the precautionary principle, the Government of Manitoba move with all possible dispatch to ensure that all necessary environmental data concerning the east side of Lake Winnipeg is both acquired or updated at the earliest possible opportunity.

# 6. Priority Issues & Recommendations

## 6.1 Working Groups: Constructing the Observations & Recommendations

A significant step in the development of this status report was the establishment in January 2004 of five working groups to assist the work of the East Side Round Table (ESRT), discuss specific issues and get down to identifying specific recommendations.

An Aboriginal Protocol Working Group was established to consider the development of a *Memorandum of Understanding* leading to a protocol that would be followed throughout the ESPI process and the implementation of recommendations arising out of the final report.

Three Regional Working Groups (a northern, central and southern) were established to consider a minimum of three of the main planning issues associated with their geographic areas. (These issues are defined on pages 4 and 5 in the *Executive Summary of the East Side of Lake Winnipeg – Broad Area Planning Initiative: Phase 1 Final Report).* Each RWG was chaired by a member of the ESRT or FNC and limited to 12 members from the membership of the ESRT, FNC and ESAC. In this arrangement, participation in the detailed planning discussions was as broad as possible. A key objective of each RWG was to make sure it considered Aboriginal and treaty rights and traditional ecological and local knowledge in its discussions.

A fifth working group, the Plan Co-ordination & Implementation Working Group, was also established. Its role was to develop a 'Vision and Values' statement to guide the work of the working groups, consider and propose plan governance and implementation mechanisms for the Broad Area Plan, and integrate the observations and recommendations of the three geographic working groups into a series of recommendations.

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An extremely important factor in the development of the vision and recommendations contained in this status report is the high degree of participation in the discussions by Round Table and First Nations Council members, members of the ESAC and others.

## 6.2 Aboriginal and Community Development

***Mandate***

*"The east side round table review the status of community planning in the planning area and provide advice on ways and means to meet the needs for community plans".*

*"The east side round table provide advice on the relationship that should be established between the broad area plan and local community plans and how they may be integrated into the large area plan for the east side of Lake Winnipeg."*

Poplar River, Black River and Hollow Water First Nations are in the process of developing land use plans for their traditional areas. Berens River First Nation and the Island Lake Tribal Council have indicated their intentions of doing the same. The communities of Manigotagan and Wasagamack are in the process of developing community plans. In spite of these initiatives, the majority of communities in the study area have not undertaken any form of planning, community or otherwise, even though they desire to do so.

There are community development issues on the east side that are broader than those captured by the mandate. These include:

- the increasing population of First Nations Peoples in the area and the lack of economic opportunities, due to the lack of opportunity;
- non-local ownership of businesses and cash outflows, possibly due to policy and regulatory roadblocks preventing access to financing and an inability to acquire licenses for various activities;
- difficulty in starting and running small businesses, because of too many regulations (Trapline regulations, for example, are too costly and restrictive);
- too few training and local employment opportunities; and
- a seeming lack of interest and support from government in pursuing potential local partnerships, in spite of possible new opportunities for economic development on the east side.

The *Memorandum of Understanding* and resulting *Protocols of Agreement* between First Nations and Métis Nation on the east side of Lake Winnipeg and the Government of Manitoba will serve as the foundation for meaningful involvement in economic development and land use decisions affecting their communities and traditional territories.

## 6.2 Recommendations

**6.2.1**
All First Nation governments, the Métis Nation government representing Métis residents on the east side of Lake Winnipeg, and Northern Affairs communities in the east side planning area be provided the necessary financial and other resources to develop and produce plans for both their community and surrounding areas of interest, including Traditional Ecological Knowledge, before significant development expansion, new developments, or new licenses are issued in any potentially affected area.

**6.2.2**
Future development must be contingent on the establishment of processes and policies that ensure community involvement, training and employment and that resource allocation decisions involve local communities.

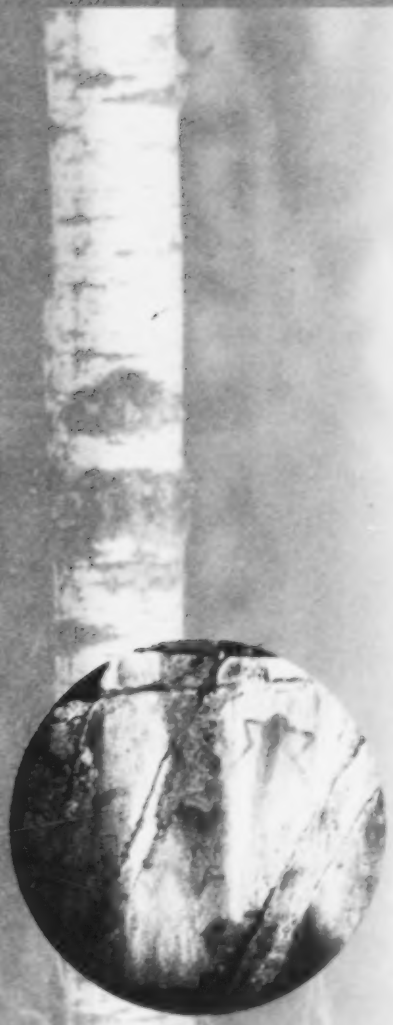
**6.2.3**
The Government of Manitoba provide capacity building initiatives and programs for people to participate more fully in resource activities in their traditional territories. Effective skills training programs must be developed to maximize local input in community economic development initiatives.

**6.2.4**
A formal assessment be done that would identify current and anticipated economic opportunities and skill sets that will be required to take advantage of these opportunities. Training programs such as business management skills must then be designed and delivered to meet these needs. Other programs could include emergency fire fighting, first aid, dangerous goods, presentation skills, emergency readiness, ecotourism, life skills, and proposal preparation.

**6.2.5**
Certification training programs be established for those occupations where certification is currently not required – e.g. tourism industry, timber harvesting, mining and commercial fishing.

**6.2.6**
The development of local enterprise and ownership be encouraged in addition to ensuring that there is local benefit, training and employment when the public or private sector is operating in the planning area.

**6.2.7**
The Government of Manitoba must support joint ventures / partnerships / local ownership creating the means for communities to gain benefits from resource initiatives and economic activities within communities and traditional territories. All economic development initiatives undertaken by the public or private sector within the planning area should ensure training and employment opportunities for local residents where possible.



**6.2.8**
First Nations, Métis and local community governments be given representation on Manitoba government boards, agencies, commissions and committees in order to gain more information and participate more actively with respect to planning and development issues that impact their traditional territories.

**6.2.9**
The Government of Manitoba commit to working with the ESFNC and First Nation governments to establish a natural resources management authority that would be operational within three years. The authority must be grounded on the principles of the seven generations and the structure and authorities of the Great Lakes Indian Fish and Wildlife Commission is offered as a desired model.

**6.2.10**
The Government of Manitoba actively engage the Métis Nation resident on the east side of Lake Winnipeg and local communities in developing and enhancing their own conservation capacity and engagement in formal conservation practices and activities in the planning area.

## 6.3 Forest Resources

***Mandate***

*"The east side round table provide advice on protecting the values of the boreal forest, its sustainability, and sustainable use including, but not limited to:*

- *maintaining biological diversity and ecological functions;*
- *role in carbon storage;*
- *non-timber forest products;*
- *ecotourism; and*
- *sustainable forest harvesting activities.*

*The province not permit any major new timber allocation beyond the annual allowable cut, as determined by Manitoba Conservation within Forest Management License #1 and historical allocation levels in Integrated Wood Supply Area #1, subject to annual public review and pending completion of the broad area plan."*

Forest resources on the east side are valuable. Commercial logging and processing operations constitute an important economic activity. The forest provides much more than wood; it is a habitat for hundreds of species and provides valuable ecological services (see Chapter 5.3). It is also the focus of interest for First Nations and the Métis Nation on the east side, because of their ancestral habitation of the area, their use of the forest for food, furs, medicines, spiritual and ceremonial purposes, and economic interests. The

priority for the future will be on the sustainability of these values and services, and where there are commercial operations, on making the economic benefits available to local communities.

Tembec Industries Inc. is the principal private sector interest in forestry operations in the area. Its Evergreen Forest Management License Agreement operates on a 20-year term, and is renewed every 10 years for an additional 10-year term. This provides a minimum of 10 and a maximum of 20 years to the agreement.

The agreement assigns management and reforestation responsibility for Forest Management License #1 (FML#1) to Tembec, while the Government of Manitoba retains these responsibilities for timber sales in the Integrated Wood Supply Areas east and west (1 & 2) of Lake Winnipeg. Forest management operations in FML #1 are authorized through Environment Act licenses awarded to 10-year forest management plans. Expansion of the license area would require the renegotiation of the Forest Management License Agreement.

In the northern portion of the planning area, north of approximately the 53rd parallel, the forest inventory is over 30 years old. Absence of current data on timber species, volumes and operability limits commercial forest management and planning in this large area. Also, absence of a transportation infrastructure in the northern half of the planning area severely limits commercial forestry activities.

Because there are multiple users of the forest, and multiple interests competing to have their interests met, finding the right balance is an ongoing challenge. Forestry operations, local benefits, community growth and development, and the transportation network, are all linked. The development of an all-weather road north of Hollow Water First Nation to Bloodvein First Nation and beyond is seen by some as the key to expanding forestry operations further north.

Ascertaining forest values is fundamental to finding the appropriate balance. Various techniques, such as those developed by the Forest Stewardship Council or The World Wildlife Fund–Canada, can be used to provide assessments of high value forests and forest attributes. Subsequent management decisions would require the maintenance or enhancement of the defined attribute and a monitoring program would have to be established to assess the effectiveness of the measures employed.

A long-term threat to forest resources is an increased risk of large forest fires as the climate changes and the predicted drier summer conditions occur. This threat could escalate with increased recreation access in the future.

Comments from communities indicate good support for forestry development that is sustainable, as long as there is local input to the process, and as long as benefits accrue to communities directly.

***"All communities in the southern portion of the study area have been developed around logging. We need logging and mining on the east side. Logging is much more environmentally sensitive today."***

(East Side Resident)

## 6.3 Recommendations:

**6.3.1**
To ensure sustainable forestry practices are maintained on the east side of Lake Winnipeg, all commercial forestry activities are encouraged to operate according to standards and procedures established or recommended by management and forest certification systems.

**6.3.2**
When Manitoba renegotiates the FML #1, it does so through the East Side First Nations Council ensuring more timely opportunities for input. When stakeholders operate outside FML-1, such as within the Integrated Wood Supply Area #1, First Nations governments and the Métis Nation resident on the east side of Lake Winnipeg must be consulted and accommodated.

**6.3.3**
Provisions are needed for royalty, revenue sharing or other benefits for First Nation and Métis governments on the east side of Lake Winnipeg for timber removed from the planning area.

**6.3.4**
A comprehensive Forest Resource Inventory (FRI) should be completed for the entire planning area to guide the review of commercial forestry expansion, new developments, or new licenses proposed within the planning area.

**6.3.5**
Using assessment tools such as the High Conservation Value Forest method, identify and quantify the values contained within the forests in the planning area. Such an assessment could address environmental, social, health, Aboriginal and treaty rights, cultural, and economic factors. Models such as the Whitefeather example in Ontario could be used in developing forest plans for each First Nation, commercial forest interest, and local community.

**6.3.6**
The development of local enterprise and ownership should be encouraged, in addition to ensuring that there is local benefit, training and employment when companies based outside the planning area are operating within the planning area. There may be alternatives to selling timber within a local market, such as bartering, trading, etc., that should be explored.

**6.3.7**
Alternatives to conventional forest uses be explored and developed, such as using the forest for carbon storage, non-timber forest products, biodiversity services, and other non-forestry uses. For example, there may be economic value in the carbon storage capacity of the forest for emissions trading purposes.

**6.3.8**
Genetically modified or otherwise "improved" trees should not be used in the planning area, as there is a concern over the eventual decrease in genetic diversity that can result.

**6.3.9**
Affected First Nations, Métis and local governments and affected stakeholders should be consulted and accommodated prior to the planning or decommissioning of forest roads within the plan area.

**6.3.10**
Any permitted or licensed forestry development or activity must investigate, identify and mitigate impacts on other licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict resolution by a third party mediator could be a consideration.

## 6.4 Transportation

### *Mandate*

*"The east side round table provide advice on the proposed transportation assessment work plan of Manitoba Transportation and Government Services which will include the planning, consultation, upgrading and construction of the road to the Bloodvein community."*

In August 1999, Manitoba Transportation retained Dillon Consulting Limited to undertake a study to look at the feasibility of developing an all-weather road system to improve access to remote communities on the east side of Lake Winnipeg. The study was to be a preliminary, cost-benefit assessment to determine if more comprehensive considerations of an all-weather road development in the study area were justified.

In a report prepared by Dillon Consulting entitled *East Side of Lake Winnipeg All Weather Road Justification and Scoping Study (August, 2000)*, two all-weather road route scenarios, with different points of origin, were evaluated. In one scenario, all east side communities would be connected from the south via Manigotagan. In the other, the northern communities would be connected from the west via Norway House/Cross Lake with a separate connection from Manigotagan serving only the southern communities.

The report's general conclusion was that an all-weather road in the east side of Lake Winnipeg could be justified for many communities on the basis of long-term transportation cost savings alone.

In February 2001, Paskanake Project Management provided a review of the findings in the Dillon report for Whelan Enns Associates Inc. It questioned the report's overall justification levels for the all-weather road scenarios and suggested the level and degree of community support presented for an all-

***"The construction and maintenance of a local airport would bring much needed jobs in the area as well as bring the costs of goods and services down to acceptable levels."***

(East Side Resident)

weather road, with respect to the majority of affected communities, was overstated.

In 2001, Dillon Consulting prepared a second report for Manitoba Transportation entitled *Work Plan to Develop an All-Weather Road Network for the East Side of Lake Winnipeg – Final Report (Dillon Consulting Limited and N.D. Lea, October, 2001).* It presented a planning approach and overall work plan to design and service east side of Lake Winnipeg communities with an all-weather road network.

While roads can have both positive and negative implications relative to economic, social and environmental considerations, it can generally be concluded that there is support for upgrading the existing Rice River Road and its extension to the community of Bloodvein. As well, there is support from most communities for a regional all-weather road network beyond Bloodvein. With respect to Berens River First Nation, a letter dated July 30, 2002, to Mr. Phil Fontaine, Chair of the East Side Round Table, on behalf of the Berens River Chief and Council, stated that the construction of an all-weather road is the highest priority in terms of developing the east side of Lake Winnipeg.

## 6.4 Recommendations

**6.4.1**
Manitoba Transportation proceed with its proposed planning process to undertake the Rice River Road upgrade and its extension to the community of Bloodvein on the following conditions:

- Manitoba Transportation conduct a thorough review of routes in collaboration with directly affected First Nation, Métis Nation resident on the east side of Lake Winnipeg, NACC and non-Aboriginal communities;
- The final route selection follow from results of an independent environmental assessment of alternatives;
- The environmental impact assessment to include: as proposed in 5.1, an Aboriginal and Treaty Rights Impact Assessment, and a multiplier effect projection; and
- Locating the Bloodvein crossing so as to avoid Longbody Creek and locating a road corridor as close as possible to the lakeshore to minimize environmental impacts.

**6.4.2**
Manitoba Transportation provide the UMA engineering study to the ESPI secretariat for distribution to and consideration by the East Side First Nations Council and ESAC.

**6.4.3**
Manitoba Transportation amend its proposed planning process to upgrade the Rice River Road, by extending it to the community of Berens River.

**6.4.4**
Manitoba Transportation apply for an environmental license for the upgrade of the Rice River road presenting the final road alternative to the Manitoba Clean Environment Commission.

The following recommendations concern Component 2 of *Manitoba Transportation's Work Plan to Develop an All-Weather Road Network for the East Side of Lake Winnipeg – Final Report (Dillon, 2001)*:

**6.4.5**
Manitoba Transportation undertake an amended Regional Transportation Network Study to consider other means of access, such as rail, bridges, dirigibles, hovercraft and ferries, to communities on the east side of Lake Winnipeg in addition to an all-weather road option.

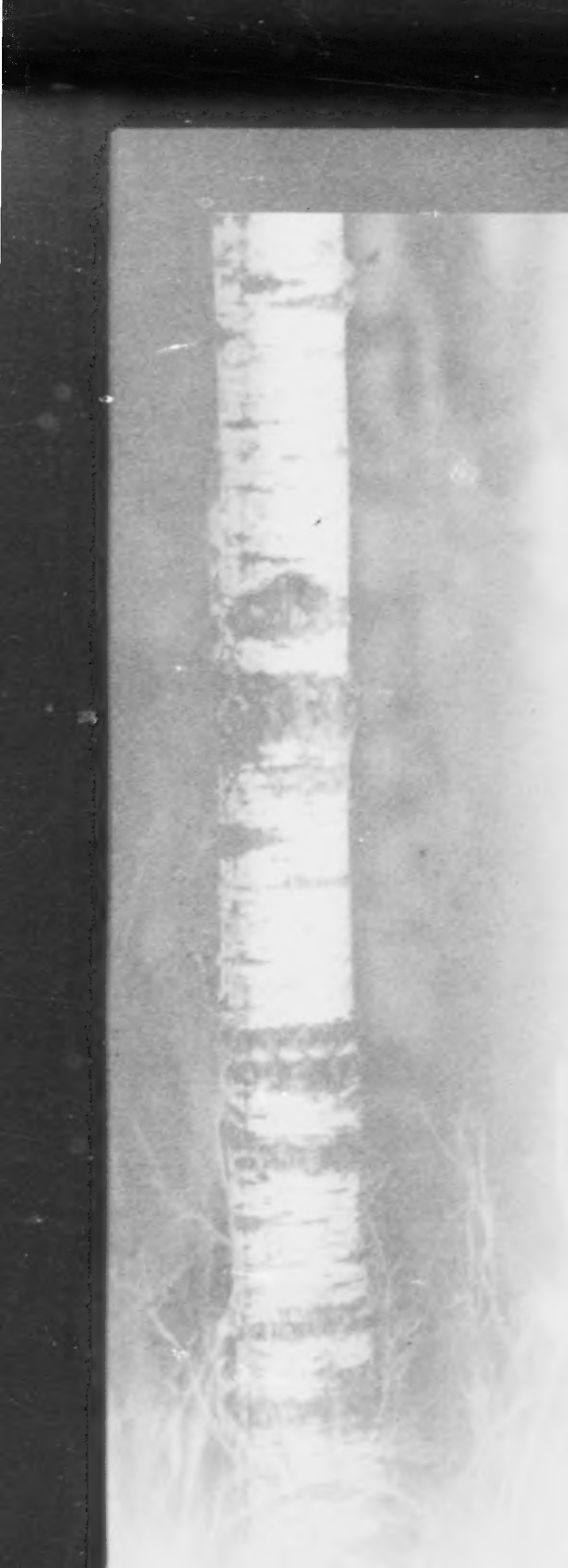
**6.4.6**
Consider existing case studies on the impact of road access on remote communities and through wilderness areas in order to better understand both positive and negative environmental and social impacts, and to prepare mitigation measures where needed.

**6.4.7**
Manitoba Transportation facilitate independent research leading to a comprehensive understanding of all social, environmental, economic and cumulative affects consequences of an all-weather road system on the east side. As identified in recommendation 5.1.13, the required Environmental Impact Assessment must include a comprehensive Aboriginal and Treaty Rights and Traditional Lands Impact Assessment. This research should also include an examination of alternative transportation routes and methods and must proceed in advance of all-weather road development proposals beyond the Rice River road.

**6.4.8**
The East Side First Nation Council be involved in the review of road corridor alternatives and prior to final route selection, Manitoba Transportation apply for an environmental license and present the final road alternative to the Clean Environmental Commission.

**6.4.9**
Prior to any construction, regardless of road standard, Manitoba Transportation and other road developers develop road management plans for all roads. These plans would include standard options, location options, environmental impact mitigation plans, decommissioning plans and access restriction plans. The process of road management planning should also have a thorough public consultation process built in.

**6.4.10**
An environmental impact assessment address the cumulative impact of rights-of-way for both an all-weather road and Hydro Bi-Pole III.



**6.4.11**
Ferry and barge services to east side communities remain commissioned and unchanged until alternatives are in place, at which time, private ownership could be encouraged as an option to services not publicly owned.

**6.4.12**
An economic assessment be undertaken to evaluate potential impacts that might occur as a result of the loss of existing business relationships between east Lake Winnipeg and west Lake Winnipeg businesses through the decommissioning of ferry/barge services.

**6.4.13**
The on-going maintenance and upgrading of airports, or the development of new airports, will remain a government responsibility and priority and not be at the expense of any work on an all-weather road.

**6.4.14**
Prior to the establishment of new all-weather road developments, and with local community involvement, comprehensive plans should be developed to protect wildlife (e.g., refuge corridors) that could be impacted by increasing road access.

**6.4.15**
Any transportation development or activity with a permit or license to proceed or operate must investigate, identify and mitigate impacts on other licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba must work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict resolution by a third party mediator could be a consideration.

## 6.5 Tourism and Recreation

### *Mandate*

*"The east side round table consider and address the opportunities and acceptability of ecotourism and tourist development in the planning area."*

It is generally agreed that there is a high potential for tourism and recreation in the planning area. Recreational opportunities are especially high for wilderness and ecotourism, cultural tourism and backcountry camping and canoeing. There are dozens of locations of campgrounds, outfitter camps and caches, and numerous commercial lodges throughout the southern portion of the planning area. There are fewer facilities north of the Poplar/Nanowin Rivers Park Reserve. Licenses to lodges and outfitter camps are issued by the Licensing Advisory Committee, a committee internal to government, formed

under the *Resource Tourism Operator's Act*. There is a local perception that this committee is biased against new license applicants from within the planning area.

The opportunities for further development of tourism and recreation in the planning area have not yet been considered in detail by the Round Table. This is an area for further elaboration in the development of the Broad Area Plan. To date, indications are that further development of this potential is wanted and needed, and that the focus should be on creating improved local capacity and benefits. More tourism development in the area is strongly linked to the transportation network. More local benefits in this sector would flow from the development of all-weather roads. However, there is a great concern over the creation of new cottage developments, because these tend to be followed by incremental demands for improvements in services and access.

## 6.5 Recommendations

**6.5.1**
Decisions on development of tourism facilities should be tied into other decisions on infrastructure, such as roads and other services. Better coordination of these decisions is needed in the placement of tourism developments. This is particularly important if tourism developments are spurred by the Aboriginal Tourism Strategy being developed by the province.

**6.5.2**
A local decision-making mechanism for approval of new or expanded tourism facilities is needed, and must be based on joint governance arrangements between First Nations, local communities and the province. The Licensing Advisory Committee should seek advice from a local decision-making mechanism. The criteria for making these judgments need to be clear and complete explanations given to applicants when permits and licenses are turned down. A process for resolving disputes and appealing decisions is also required.

**6.5.3**
The expansion of opportunities for non-consumptive forms of recreation, such as outdoor education and ecotourism, in addition to the existing hunting and fishing opportunities, is encouraged. Provision should be made for the hiring and training of significant numbers of local residents for advancement in the industry.

**6.5.4**
Provision for hiring and training people for advancement in the industry from the local community must be a condition of licenses and permits in future tourism facilities. Training programs should provide accreditation to recognized standards and certification.

**6.5.5**
Provide First Nation, Métis and local communities with better access to information and training in tourism development, marketing and entrepreneurship.

**6.5.6**
Because of potentially significant environmental impacts, new cottage developments must be subject to rigorous environmental impact assessments. New road locations to cottage developments should not negatively affect ecotourism and entrepreneurship opportunities.

**6.5.7**
The Government of Manitoba support a comprehensive Aboriginal tourism strategy and provide resources for its implementation.

**6.5.8**
The Government of Manitoba support the creation of a Manitoba First Nations Tourism Group with financial and technical assistance to, in part, facilitate their participation in the areas of ownership in lodges, outposts, camps, etc., and in training and advocacy. Provision for hiring and training of members of First Nations communities for advancement in the industry should be a condition of licenses and permits in future tourism facilities.

**6.5.9**
Any tourism and recreation development or activity with a permit or license to operate must investigate, identify and mitigate impacts on licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict resolution by a third party mediator could be a consideration.

**6.5.10**
The East Side First Nations Council develop a clear consultation process regarding the allocation of non-resident big game licenses as the current process appears to be unfair to local entrepreneurs.

## 6.6 Hydro Transmission Corridor Issues

***Mandate***

*"As part of the planning process, Manitoba Hydro co-ordinate any future transmission line communications and public consultation activities with the east side round table. The east side round table provide regional guidance relative to Manitoba Hydro in regards to future electrical transmission facilities within the planning area. Manitoba Hydro work with the east side planning*

*secretariat and directly with the east side round table to ensure the effective and efficient co-ordination of planning and communication activities in the planning area."*

The purpose of the initial east side community visits initiated by Manitoba Hydro was to gauge public interest and reaction to the possible location of a hydroelectric transmission corridor down the length of the east side of Lake Winnipeg. Manitoba Hydro had not completed its full round of community visits when, by mutual agreement between Manitoba Hydro and ESPI, the former agreed to suspend all community information sessions/consultations until ESPI had completed its first round of community visits.

A wide range of issues and concerns were broached in submissions to ESPI from east side communities and residents, numerous stakeholders and Manitoba citizens on the subject of hydroelectric transmission. They ranged from what ESPI has termed "legacy issues" – expressions of distrust and resentment over past relationships between First Nations and Métis nation peoples and Manitoba Hydro to practical concerns about the absence, adequacy and cost of electrical energy in many communities, to more macro-level policy considerations of the vital importance of hydroelectricity in reducing greenhouse gas emissions and mitigating the onslaught of climate change.

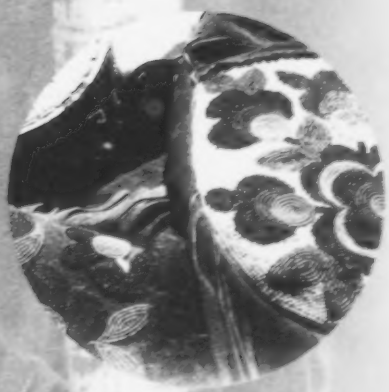
East Side Round Table members were impressed with the breadth and depth of concerns expressed by residents of the east side of Lake Winnipeg respecting past relationships with Manitoba Hydro. Many compelling statements and arguments were put before Round Table and First Nations Council members asking for assurances that local communities would benefit economically from the installation of transmission lines on the east side. Equally, concerns were expressed about the impact that such installations might have on the natural environment – from the introduction and leaching of pesticides into water tables and courses, to the disruption of traditional activities such as hunting and trapping. There were few communities visited by Round Table and First Nations Council members that did not have strong opinions and concerns about the possible future location of a hydro transmission corridor on the east side of Lake Winnipeg.

Manitoba Hydro has a legacy issue with which it has to contend. When the topic of Manitoba Hydro or the issue of the possible east side location of BiPole III was raised in communities through the ESPI process, reaction to the corporation and the proposed transmission line corridor on the east side of Lake Winnipeg was either uniformly negative, or contained significant overtones of mistrust and suspicion.

East Side Working Group members who considered this issue were consensual in their opinion that the transmission corridor not proceed unless and until Manitoba Hydro can clearly indicate that there are clear and permanent economic benefits to be accrued by communities on the East Side.

***"We have heard from Hydro before. They came to us, but did not give us enough time to respond. You have to give us more time. There is a lack of information provided by Hydro for the community to adequately respond or participate. We do not want a poor consultation process."***

(East Side Resident)



## 6.6 Recommendations:

**6.6.1**
All future discussions, consultations and negotiations between Manitoba Hydro and First Nations and Aboriginal communities on the east side of Lake Winnipeg be subject to, as and when they are developed, the *Protocols of Agreement* with First Nations and the Métis Nation resident on the east side of Lake Winnipeg respecting the Broad Area Plan for the east side of Lake Winnipeg between the Government of Manitoba and First Nations governments and Aboriginal communities located on the east side of Lake Winnipeg.

**6.6.2**
A comprehensive *Aboriginal Treaty Rights and Traditional Lands Impact Assessment* be completed as part of the Environmental Impact Assessments that must be undertaken as part of the possible location of the BiPole III line on the east side of Lake Winnipeg. Should such an assessment indicate that impacts are anticipated, and compensation or revenue – sharing is required, it is further recommended that Manitoba Hydro reach an agreement-in-principle on compensation, or such revenue – sharing as a component of, and prior to, the conclusion of the Environmental Impact Assessments.

**6.6.3**
Manitoba Hydro identify the location of all potential corridor routes for transmission lines, including those external to the east side of Lake Winnipeg Planning Area.

**6.6.4**
Should the location of a BiPole III hydro transmission corridor on the east side of Lake Winnipeg continue to be considered as a viable option by Manitoba Hydro that it expend the resources necessary, including the provision of resources to the communities themselves to ensure that communities on the east side of Lake Winnipeg are fully informed, involved and consulted on all components of the intended proposal, including the likely impact of the corridor on the nominated UNESCO World Heritage site.

**6.6.5**
With respect to the possible location of a BiPole III hydro transmission corridor on the east side of Lake Winnipeg, that should it proceed, Manitoba Hydro provide assurances that, wherever possible, the corridor be adjacent to other vehicle transportation corridors, unless an environment impact assessment determines this is not advisable. Where hydro and transportation corridors diverge, there will be no road access to the hydro transmission corridor.

**6.6.6**
With respect to the possible location of a BiPole III hydro transmission corridor on the east of Lake Winnipeg, that should it proceed, Manitoba Hydro provide assurances to local communities that employment opportunities will be provided and local resources utilized on a priority basis.

**6.6.7**
With respect to the possible location of a BiPole III hydro transmission corridor on the east of Lake Winnipeg, should it proceed, Manitoba Hydro provide assurances that where the transmission lines cross recreation or navigable rivers that transmission line support pylons will be located so as to be hidden from normal sight lines on or adjacent to the river, and, should environmental assessments prove such is feasible, that the transmission lines corridors be buried at key river crossings.

**6.6.8**
As concerns have been expressed about the potential negative impact on human and animal health caused by the possible creation of magnetic fields in the area of transmission corridors with operating hydro transmission lines, any HVDC transmission lines must maintain a minimum five hundred metre distance from settlements and residences. Manitoba Hydro should make available to the public all current research on this issue. Should such research indicate that there are possible negative effects upon human health, Manitoba Hydro must inform residents potentially exposed to these corridors of what steps the agency plans to take to eliminate the possible health hazard.

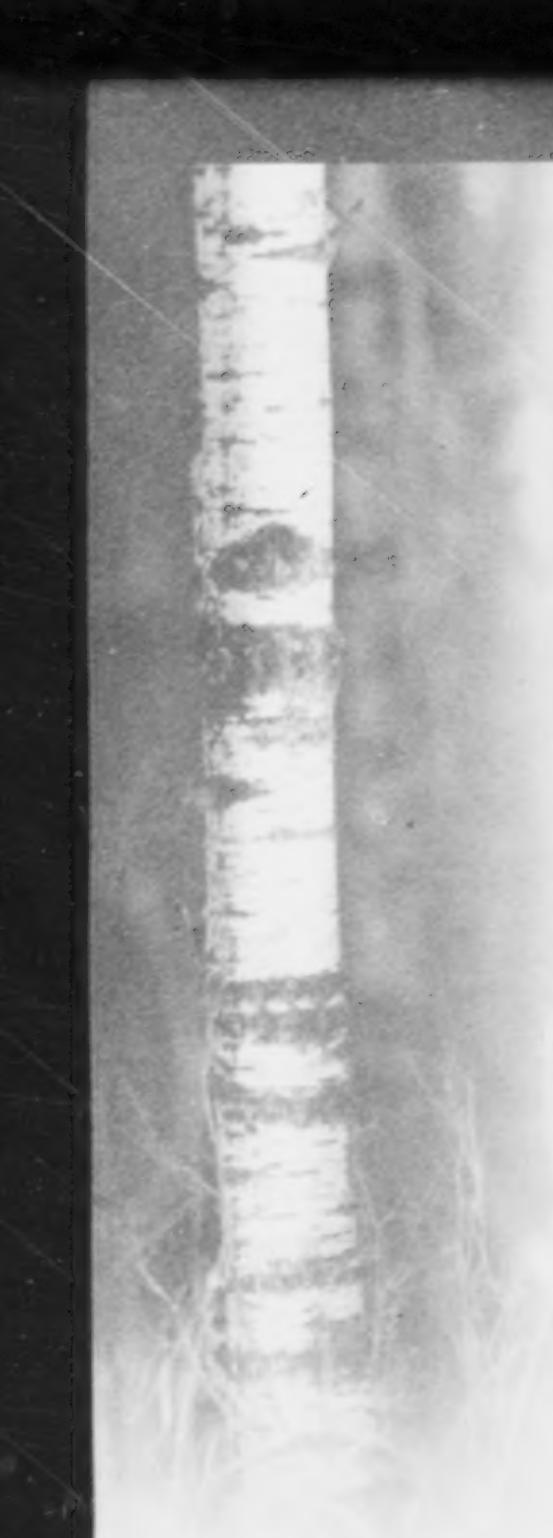
**6.6.9**
Any hydro transmission development or activity with a permit or license to operate must investigate, identify and mitigate impacts on licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict resolution by a third party mediator could be a consideration.

**6.6.10**
The Government of Manitoba encourage and mandate Manitoba Hydro to fully and publicly explore the viability of locating alternative energy source infrastructure (wind and solar) on the east side of Lake Winnipeg and create opportunities for east side residents and all Manitobans to benefit from these low-impact energy sources.

## 6.7 Mining Issues

***Mandate***

*"The east side Round Table consider the potential for mineral development and its acceptability within the various land use zones that may be designated in the planning area.*



*Mining exploration and development in the planning area continue as per existing established public consultation requirements, environmental review and licensing requirements and other required reviews and permitting processes and procedures."*

Mineral exploration and development within the planning area is manageable within established procedures and approval mechanisms, but requires more attention to local communications and co-operation. Exploration is ongoing to a limited extent, and the mineralized belts are generally well identified. Information sources, maps and reports are available online through the Manitoba government website.

Although the mineral potential and the geology of the southern area are relatively well known and developed, this is not the case with the central and northern areas. Mineral exploration within these areas has been sporadic, due to the relative remoteness and poor access to these areas, and because the geology of these areas has only been mapped on a reconnaissance level. The mineral potential of the northern part of the planning area remains poorly understood.

A process has been developed between the government and the minerals sector through which new protected area proposals are screened. Where no conflicts arise, there is a green light from the sector. Where conflicts arise, a resolution is negotiated, which sometimes requires more detailed information about the mineral potential and the Area of Special Interest (ASI). This process has successfully screened the ASI within the planning area.

The ESPI planning process has not advanced far enough to enable identification of specific land use zones, other than existing protected areas, where mineral exploration and development would potentially be excluded.

In March 2000, the mineral sector, Manitoba government, First Nations groups and other stakeholders developed a Manitoba Minerals Guideline containing the principles that should be followed for building relationships and creating opportunities during the mineral development process. This guide set a standard for how the mining industry and communities on the east side should be co-operating.

Active mineral claims give certain land access and occupation rights to the holder. People in local communities may not realize that these rights of occupation of land by mineral exploration companies are included when mineral claims are staked. Sudden unannounced or unexpected activity by an exploration company near a small community can surprise the local residents. These surprises can and should be avoided through the use of the Manitoba Minerals Guideline.

## 6.7 Recommendations

**6.7.1**
The East Side First Nations Council develop a consultation process regarding potentially affected peoples and licensees prior to the approval of mineral exploration programs, permits and staking activity.

**6.7.2**
Mineral exploration and development is an acceptable activity within the planning area, provided that the proposed East Side First Nations Council plays an oversight role in consultation and approval mechanisms, decisions are taken on a case by case basis, and there is local benefit from the activity.

**6.7.3**
The Manitoba Minerals Guideline (2000) principles for community consultation, information sharing, protecting environmental integrity, policy review and development and creating opportunities be accepted as the starting point for guiding relationships between the minerals industry and communities on the east side of Lake Winnipeg.

**6.7.4**
The onus for using the Guidelines falls on both the mining companies and the communities. Even with best efforts, not everyone in a community may be satisfied with the information they receive about exploration or mining activities. As much effort needs to be made within the community to share this information, as is made by the industry to make it available.

**6.7.5**
Any mining development or mining exploration activity with a permit or license to operate must investigate, identify and mitigate impacts on licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict resolution by a third party mediator could be a consideration.

## 6.8 Additional Significant Issues

***Mandate***

*"The government should seek the advice of the round table on any significant issue which might arise during the course of the planning process."*

***Research Needs***

In the course of this planning activity, it has become evident that several areas of ongoing research are needed to further support Broad Area Planning, and refine management approaches and techniques. One prominent concern is

the lack of natural resource data available for the planning area north of the 53rd parallel. There, species inventories, lake surveys, forest inventory, mineral exploration, and historic and archeological investigations are all needed to develop better information to support land use decisions. More information is also needed on threatened or sensitive species such as woodland caribou.

A more complete assessment of the research needs in the planning area will be part of the ongoing development of the Broad Area Plan. At this stage, the need for further research is noted.

## 6.8 Recommendations

**6.8.1**
To assist in developing a better understanding of research needs on the east side, it is recommended that a group of advisors be assembled from various Manitoba research and other institutions. This group could advise government on research needs and priorities. Membership of this group could be drawn from the universities, the Centre for Indigenous Environmental Resources, the Natural Resources Institute, Freshwater Institute, etc.

### Other Recommendations

**6.8.2**
The Government of Manitoba be consistent in fulfilling its public policy commitments by not issuing licenses and permits for new development within the planning area that would violate standards, regulations or policies for water quality protection.

**6.8.3**
The Government of Manitoba continues to fulfil its obligation to protect species when reviewing development expansion, new developments or new license proposals within the planning area.

**6.8.4**
To provide an additional level of protection to the boreal environment when undertaking business developments, that all new business ventures, with 25 or more employees, are encouraged to secure and maintain registration with an independent organization which is designed to address the potential environmental effects of the operation. At a minimum, such systems will identify potential environmental impacts, develop and implement controls to mitigate negative environmental impacts and require an independent assessment by a registered auditor. Existing business (with 25 or more employees) developments will be required to comply with this requirement within 5 years. As all existing systems are voluntary, the Government of

Manitoba would have to establish the necessary policy framework to support the recommendation.

**6.8.5**
Impact benefit agreements with standardized criteria should be mandatory for development initiatives impacting land use within the Broad Area Plan for the east side of Lake Winnipeg.

## 7.0 Conclusion
## The Path Forward: Challenges & Opportunities

Negotiations and discussions on many of the planning, protection and development issues identified in the original mandate for the Broad Area Plan have not been completed, nor has there been adequate opportunity for east side residents to prepare their input to this planning process. It is to the credit of the Government of Manitoba and its commitment to this exercise that it will likely extend the period for community input.

The signed *Memorandum of Understanding* between East Side First Nations governments and the Government of Manitoba commits both parties to a process of negotiations and consultations which may lead to *Protocols of Agreement.* Consistent with the recommendations in COSDI, the Government of Manitoba is strongly encouraged to commit to a separate process of protocol negotiations with the Métis Nation Government of the east side of Lake Winnipeg. It is essential to the overall success of the East Side Planning Initiative to recall that the broad area planning and protocol processes are inextricably intertwined. One cannot proceed without the other.

Another facet of the Broad Area Plan is a governance mechanism that will ensure adhesion to the Broad Area Plan and *Protocols of Agreement.* The necessary authority will have to be vested in such a mechanism to guarantee local community input while adhering to the principles of sustainable development and protection of the environment, which are the foundations of the Broad Area Plan.

An ambitious undertaking, if done with respect for the necessary complexity of the process, the Broad Area Plan for the east side of Lake Winnipeg will represent a watershed in the evolving relationship between government and Aboriginal communities in Canada. It will alter the social and economic relationships between the Government of Manitoba and First Nations governments on the east side of Lake Winnipeg.

There are numerous and daunting challenges to this enterprise: The constant challenge of ensuring that information and data is adequately shared with the population of the east side; the need for vigilance and persistence in "following through" with all components of the planning exercise; the

essential requirement for improved horizontal communications among provincial government departments, thereby reducing "stovepipe bureaucracy."

The Government of Manitoba can enjoy a measure of pride in undertaking this risk-filled venture and committing itself to staying the course. The successful completion of both the protocols and the Broad Area Plan will contribute immeasurably to redefining relationships that have been marked historically by mistrust and bitterness. Should this venture succeed and allow Aboriginal communities to play the predominant role in charting their own futures with the access to the resources to do so, all Manitobans will benefit.

Another opportunity realized with the adoption of the Broad Area Plan for the east side of Lake Winnipeg is an unprecedented measure of protection for a significant and contiguous boreal environment.

This status report is but a benchmark along the way, and the path ahead does finally offer a glimpse of what a fully functional Broad Area Plan may look like. The fragile coalition of interests which have contributed to the preparation of this report and support its objectives must now rely on the good faith and good will of the government which commissioned this initiative. Let us hope that this faith and this will has not been misplaced so that *"Promises to Keep"* will become promises kept.

# Appendix 8.1

# East Side Planning Initiative

## East Side Planning Initiative

**Round Table, First Nation Council, Advisory Committee, Government Review Panel (Phase I), Secretariat and Government Liaison Committee**

**National Chief Phil Fontaine – Chair**

**Mr. Ed Wood – Associate Chair**

### East Side Round Table

The Right Honourable Edward Schreyer – Special Advisor

Mr. Al Benoit
Mr. Dan Benoit (Alternate)

Mr. Paul Chief

Mr. Don Courchene

Ms. Sherry Dangerfield

Mr. Helgi Einarsson

Mr. Ken Ellison

Mr. Wesley Harper

Mr. Ed Huebert

Mr. Peter Kinew

Mr. Gilbert Knott

Mr. Mike Martel

Dr. Peter Miller

Chief Vera Mitchell

Mr. Tom Nepetaypo

Dr. David Punter

Mr. Don Sullivan

Mr. Jim Ticknor

Ms. Cherry White

Chief Nancy Whiteway

**East Side First Nation Council**

| | |
|---|---|
| Hilda Flett | Berens River First Nation |
| Frank Young<br>Dwayne Bushie (Alternate) | Bloodvein First Nation |
| Chief Bailey Colon | Bunibonibee Cree Nation |
| Jack Fiddler | Garden Hill First Nation |
| Chief Gilbert Andrews | God's Lake First Nation |
| Chief Larry Barker, succeeded by<br>Chief Ian Bushie<br>Ferlon Barker (Alternate)<br>Rene Barker (Alternate) | Hollow Water First Nation |
| Jonas Peebles | Little Black River First Nation |
| Nelson Keeper | Little Grand Rapids First Nation |
| Chief Roger Ross, succeeded by<br>Chief Moses Okimaw | Manto Sipi Cree Nation |
| Jimmock Cromarty | Norway House Cree Nation |
| Albert Pascal, succeeded by<br>Sheldon Kent | Pauingassi First Nation |
| Eddie Hudson | Poplar River First Nation |
| Lawrence Harper, succeeded by<br>Chief Fred Harper | Red Sucker Lake First Nation |
| Joe Daniels | Sagkeeng First Nation |
| Roy Mason | St Theresa Point First Nation |

| | |
|---|---|
| Chief Cornelius Wood | Wasagamack First Nation |
| Simon Fobister<br>Joe Kuhn | Grand Council Treaty #3 |

**East Side Advisory Committee**

Note: While other groups were contacted by the East Side Secretariat for membership on the East Side Advisory Committee, no other names were forwarded.

| | |
|---|---|
| Aboriginal Resource Council | Richard Gaywish |
| Aghaming Community Council | Bob Bull |
| Berens River Community Council | Henry McKay & Brian Whiteway |
| Bissett Community Council | Patti Grapentine |
| Gods Lake Narrows Community Council | Mayor Leslie Anderson Sr. |
| Island Lake Community Council | Jerry Bilewitch |
| Little Grand Rapids Community Council | George Quantrill |
| Loon Straits | Edgar Bruce |
| Manigotagan Community Council | Dale Boulette & Greg Wood |
| Matheson Island Community Council | Harold Bennett & Terry Bennett |
| Norway House Community Council | Glen Flett |
| Oxford House Community Council | Tommy Weenusk |
| Pine Dock Community Committee | Margaret Johnson |
| Princess Harbour Community Council | Marlene Monkman & Myrtle Magnusson |
| Red Sucker Lake Community Council | Heather Disbrowe |
| Seymourville Community Council | Ted Seymour & Brian Lepott |
| Eastman Regional Development, Inc. | Ron Funk |
| St Georges Economic Development Council | Dianne Dube |

| | |
|---|---|
| Winnipeg River Brokenhead Futures | Mary Greber |
| Anishaabe Turtle Island Protectors | Gary Raven |
| Canadian Parks and Wilderness Society | Krista Scott |
| Canadian Nature Federation | Gaile Whelan-Enns<br>Jared Whelan (Alternate) |
| Manitoba Eco-Network | Anne Lindsey |
| Manitoba Future Forest Alliance | Sara Peloquin |
| Manitoba Model Forest | Carl Smith |
| Manitoba Naturalists Society | Les McCann |
| Northern Lights Heritage Services | Virginia Petch |
| Resource Conservation Manitoba, Inc. | Liz Dykman |
| T.R.E.E. | Dr. John Sinclair |
| Western Canada Wilderness Committee | Ron Thiessen |
| Canada Wild Rice Council | Lorne Williams |
| Manitoba Hydro | Wade Munro |
| Manitoba Prospectors & Developers Association | Ryan Cooke |
| Manitoba Trappers Association | Stewart Jansson |
| Mining Association of Manitoba | David Markham |
| TEMBEC Pine Falls Operations | Vince Keenan |
| RM of Alexander | George Harbottle |
| RM of Lac du Bonnet | Bob Bruneau & Don Halbert |
| LGD of Pinawa | Leonard Simpson |
| Village of Powerview | Ted Pichor |
| Island Lake Tribal Council | Chief Goliath Harper |

| | |
|---|---|
| Manitoba Keewatinowi Okimakanak Inc. | Michael Anderson |
| Manitoba Metis Federation | Dan Benoit |
| Manitoba Metis Federation Interlake Region | Bill Flett |
| Manitoba Metis Federation Thompson Region | Lyle Mulholland |
| Manitoba Metis Federation Southern Region | Marcella Vezina |
| Southern Chiefs Organization | Dina Bruyere |
| Manitoba Wildlife Federation | Roger Venton |
| Manitoba Aviation Council | Fred Petrie |
| Paddle Manitoba | David Howerter |
| SnoMan, Incorporated | Duncan Stokes |

**Phase 1** (August 2000 to March 2002)

**Government Review Panel**:

Bill Barto

Bruce Bremner

Blair McTavish

Joe Morisseau

Sandy Thompson

**Phase 2**

**East Side Secretariat** (March 2002 to July 2003):

Mike Waldram – Executive Coordinator

Bill Anderson

Paulette Delaquis

Joann Hiebert

Barb Hobson

Moses Okimaw

Jennifer Tavares

**East Side Secretariat** (July 2003 to September 2004)

Peter Globensky – Executive Coordinator

Bill Anderson

Bruce Bruyere

Barb Hobson

Rick Ratte

Dale Sobkowich

Jennifer Tavares

Pat Williamson

Bernie Wood

**Government Liaison Committee:**

Serge Scrafield

Ron Missyabit

Blair McTavish

# Appendix 8.2

# List of All Appendices

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8.3 Boreal Forest World Heritage Site Map

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English / Ojibway / Oji-Cree / Cree

8.5 East Side Planning Process Brochure

8.6 East Side Round Table Terms of Reference

8.7 East Side First Nations Council Terms of Reference

8.8 Public Participation Process

8.9 Community & Stakeholder Submissions Received

- Canada Wild Rice Council
- Manitoba Prospectors & Developers Association, June 4, 2003
- Land of the Sprit/Sprits of the Land, The Anishinaabe Turtle Island Protectors and the Boreal Forest Network, May 2004
- Manitoba Model Forest Inc, March 29, 2004
- Dr. W.O. Pruitt, June 9, 2004
- Manitoba Naturalists Society
- Manitoba Trappers Association, July 2, 2004
- Dave Rannard, June 14, 2004
- Brett Sokoloski, July 1, 2004
- TEMBEC, Pine Falls Operations, May 20, 2004
- Wabanong Anishinaabe Trappers Association, June 17, 2004
- Wasagamack First Nation Youth Concerning the East Side of Lake Winnipeg Planning Initiative, May 6, 2004
- Wilderness Committee, June 14, 2004

8.10 Community Reports: "What We Heard" – By Community

8.11 Community Reports: "What We Heard" – By Issue

8.12 Community Facilitation Reports – NACC Communities

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## Glossary of Terms

- **Aboriginal Peoples** – The definition of "Aboriginal peoples" being used in this document is the legal definition contained in the Constitution of Canada. This includes Indians (on and off reserve Status Indians, First Nations, non-Status Indians, Treaty and non-Treaty Indians), Métis and Inuit.

- **Aboriginal Treaty Rights and Traditional Lands Impact Assessment** – It is necessary to determine the existence of Aboriginal rights and the implications of proposed resource management or development activities on those rights and on the continued use of traditional lands, and whether the approval of the proposal can co-exist with the Aboriginal rights and the continued use of the traditional lands.

- **Area Of Special Interest (ASI)** – These are areas being studied for possible future designation as "protected areas." The studies, utilizing "enduring features" methodology, identify the combinations of soils, geology, climate and landforms (enduring features) that influence biodiversity. The methodology also assesses the contribution of each protected area or ASIs in representing biological diversity within a natural region, and designs study areas to fill gaps in enduring feature and natural region representation. Areas of Special Interest are used to focus consultations and are not protected in any formal manner. In most cases, ASI boundaries are flexible and can be changed to respond to new information.

  According to a protocol established between the departments of Conservation and Industry, Economic Development and Mines, ASIs that meet predetermined criteria are requested in writing by the director of Parks to be placed in a "withdrawal pending" status, meaning that the Crown mineral rights in these areas are not available for new mineral dispositions, pending final resolution of the area's status and future designation of protected lands.

- **Assessment and Review of Effects** – This refers to an assessment and review of all sustainability factors such as environmental, economic, social, cultural and human health. The terms "assessment and review of effects," "assessment and review process," "assessment process," "assessment and review," and "effects assessment" will be used synonymously. The assessment process is generally guided by legislation (such as the Canadian Environmental Assessment Act or Manitoba's Environment Act) which defines both the substantive and procedural requirements, including the scope of the project/undertaking, information requirements, matters to assess and public participation.

- **Biodiversity** – The variability among living organisms from all sources including, among other things, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are a part. This includes diversity within species, between species and of ecosystems (Convention on Biological Diversity, 1992).

  Biodiversity has been seen as the total (and irreducible) complexity of all life, including not only the great variety of organisms but also their varying behaviour and interactions. One of the more broadly shared and economically defensible values for conserving wholesale biodiversity (rather than just the few components or 'biospecifics' with obvious high use value at present) may be seen to lie in ensuring continued possibilities both for adaptation, and for future use, by people in a changing and uncertain world (Natural History Museum, Biodiversity and Worldmap website).

- **Boreal Forest (contiguous)** – Canada's boreal forest is the largest contiguous, intact forest left on earth, covering 35 per cent of the country's land mass and stretching across the north from Newfoundland to the Yukon. It includes the east side planning area. These northern forests are the breeding grounds for over 60 per cent of Canada's bird population with approximately three billion birds nesting there annually. The boreal is also home to the world's largest caribou herd, the second-highest wolf population, and polar, black and grizzly bears.

  Thousands of species of plants, insects and animals – most of which have not been scientifically described but many of which have long been used by Aboriginal people for food and medicinal purposes – are found in boreal ecosystems.

- **Boreal Forest Conservation Framework** – The Boreal Forest Conservation Framework reflects the collective wisdom of the Boreal Leadership Council and is based on the best information currently available. The framework is based on a shared vision to sustain the ecological and cultural integrity of the Canadian boreal forest region, in perpetuity.

  The framework's goal is to conserve the cultural, sustainable, economic and natural values of the entire Canadian boreal region by employing the principles of conservation biology to:

  - protect at least 50 per cent of the region in a network of large interconnected, protected areas; and
  - support sustainable communities, world-leading ecosystem-based resource management practices and state-of-the-art stewardship practices in the remaining landscape

  The Boreal Forest Conservation Framework represents a national vision and goal for the region as a whole, rather than a formula to be applied on a unit-by-unit basis in a particular part of the boreal. In promoting a conservation approach for the entire boreal, the framework recognizes that conservation challenges and opportunities will vary. (Canadian Boreal Initiative website)

- **Boreal Shield** – At 195 million hectares the Boreal Shield is the largest ecozone in Canada. It is almost 80 per cent forested and much of the ecozone remains in a wilderness condition. Most of this ecozone is covered with an immense coniferous forest, consisting primarily of black spruce, white spruce, jack pine, balsam fir and tamarack. Further south, red pine, jack pine and eastern white pine occur, along with some hardwoods, such as white birch, yellow birch and trembling aspen. Black ash, mountain maple and eastern white-cedar also grow in some places. Characteristic mammals of this ecozone include woodland caribou, moose, white-tailed deer, black bear, wolf, marten, snowshoe hare, fisher, Canadian lynx and bobcat. Common bird species include the common loon, boreal owl, great horned owl, yellow-rumped warbler, blue jay, evening grosbeak and white-throated sparrow. (Natural Resource Canada website)

- **Broad Area Planning (BAP)** – This is an integrated and coordinated planning that is based on the sustainability of the ecosystem, to ensure future land, resource and development decisions address the environmental, social, health, cultural and economic needs of the public, local communities, First Nations and various stakeholders and interest groups.

- **Canadian Boreal Forest Initiative** – The Canadian Boreal Forest Initiative, or the Canadian Boreal Initiative (CBI), is an independent organization working with conservationists, First Nations, industry and others to link science, policy and conservation activities in Canada's boreal region. On December 1, 2003, the CBI released the Boreal Forest Conservation Framework. The framework was developed in concert with leading conservation organizations, resource companies and First Nations. Convened by the CBI, this group forms the Boreal Leadership Council, committed to the conservation and sustainable development of Canada's boreal forest region. (Canadian Boreal Initiative (CBI) website)

- **Co-Management (Share-management)** – Share-management is a tool that helps address resource management issues and opportunities between government and users by negotiating shared roles and responsibilities, such as involvement in decision-making and monitoring. (Manitoba Conservation)

- **Consultation** – As perceived by COSDI, consultation is the provision of meaningful opportunities for the public, other governments and stakeholders to influence government or other decisions about matters of concern to them. The concept of meaningful consultation is being more specifically defined by the courts as it applies to the nature of the opportunities for Aboriginal people.

- **COSDI** – The Consultation on Sustainable Development Implementation (COSDI) was a multi-stakeholder, consensus-based process commissioned in 1997 by the government to "consider and make recommendations... on how Manitoba can best implement Sustainable Development Principles and Guidelines into decision-making, including environmental management, licensing, land-use planning and regulatory processes." An 18-member core group and 60-member advisory committee collaborated on the preparation of a report with recommendations. The COSDI Report was submitted to government in June 1999. After an election, the current government adopted the report as a central component of its Sustainable Development Strategy in 2000.

- **Double Majority** – In the context of the East Side Broad Area Plan, double majority is a method for decision-making that allows communities to have a strong voice in decisions affecting the areas they live in. In a vote about a decision affecting a particular community, the decision would require both the vote of the community and a majority of the East Side First Nations Council.

- **Ecological Integrity** – Ecological integrity refers to the quality of a natural, unmanaged or managed ecosystem in which the natural ecological processes are sustained, with genetic, species, and ecosystem diversity assured for the future. Ecosystems have integrity when they have their native components intact, including: abiotic components (the physical elements, e.g., water, rocks), biodiversity (the composition and abundance of species and communities in an ecosystem, e.g., tundra, rainforest and grasslands represent landscape diversity; black bears, brook trout and black spruce represent species diversity) and ecosystem processes (the engines that make ecosystems work; e.g., fire, flooding, predation) – Parks Canada website

- **Ecosystem** – A community of all plants and animals and their physical environment, functioning together as an interdependent unit. (forestry)

- **Ecozone** – Canada has been divided into 15 terrestrial ecozones. Each represents areas of the country which can be easily identified by their general living (biotic) and non-living (abiotic) characteristics. The east side of Lake Winnipeg falls within the Boreal Shield ecozone.

- **Effect** – This is a neutral term including positive and negative impacts of a plan or project.

- **Endangered Species** – Manitoba's Endangered Species Act provides for the minister to designate species as endangered, extinct, extirpated or threatened, depending on their number and status. The different designations allow for different levels of protection.

- **Environmental Thresholds** – The environment, as an integrated system, is healthy as long as its components and their interactions are maintained in a state where they can continue to perform their natural functions. If significant changes are made to any components of the system, the efficiency of the system is affected and the environment is thrown off balance. The environment has a degree of resiliency built into it, which gives it the ability to cope with, or adapt to, some change without damaging effects. Environmental thresholds define those allowable changes. Used in planning or assessment purposes, they help decision-makers know what change to the environment will be within the threshold and therefore acceptable, and what change should be avoided. A common threshold is the assimilative capacity of a waterway. How much of a specified substance can be added to a river without altering the characteristics of the river to a degree that it will adversely impact biota, fish, people, etc.? The thresholds can be developed in advance of development, as a part of the planning process, or in response to a proposed development, as a part of the environmental assessment process.

- **Forest Stewardship Council** – The Forest Stewardship Council (FSC) is an international, non-profit organization founded in 1993 to support environmentally appropriate, socially beneficial and economically viable management of the world's forests. It supports the development of national and regional standards to be used to evaluate whether a forest is being well-managed.

  It is an association of members consisting of a diverse group of representatives from environmental and social organizations, forest and product industries, Indigenous People's organizations, community forestry groups and certification bodies from around the world. With its head office in Bonn, Germany, FSC is governed by an elected board.

- **Fragmentation** – Fragmentation occurs when a large region of, in this case, forest has been broken down or fragmented into a collection of smaller patches of habitat. Fragmentation typically occurs when land is converted from one type of habitat to another. For example, a forest habitat may become fragmented when a highway is built across the forest. The highway would split a single, large, continuous patch of forest into two smaller patches. The greater the degree of fragmentation, the greater the effect, as the once large, continuous forest habitat becomes a series of small, disconnected habitats. Because the characteristics of small forests differ from those of large ones, the characteristics of habitat and its suitability for the pre-existing species can change as well.

- **Genetic diversity** – Genetic diversity refers to variety within individuals within a species or a population, or more specifically, the variety of DNA within a species or population.

- **Great Lakes Indian Fish and Wildlife Commission (GLIFWC)** – The GLIFWC is an inter-tribal, co-management agency committed to the implementation of off-reservation treaty rights on behalf of its 11 Ojibway member tribes. Formed in 1984, and exercising authority specifically delegated by its member tribes, GLIFWC's mission is to help ensure significant, off-reservation harvests while protecting the resources for generations to come.

- **Guidelines** – They refer to instructions provided to the proponent for the information requirements and the conduct of an effects assessment in Manitoba.

- **Habitat** – 1. Those parts of the environment (aquatic, terrestrial, and atmospheric) often typified by a dominant plant form or physical characteristic, on which an organism depends, directly or indirectly, to carry out its life processes. 2. The specific environmental conditions in which organisms thrive in the wild.

- **High Conservation Value Forest** – All forests contain environmental and social values, such as wildlife habitat, watershed protection or sacred sites. Where these values are considered to be of outstanding significance or critical importance, the forest can be defined as a High Conservation Value Forest (HCVF). The idea of HCVFs was developed by the Forest Stewardship Council (FSC) and first published in 1999. This concept moves the forestry debate away from definitions of particular forest types (e.g., primary, old growth) or methods of timber harvesting (e.g., industrial logging) to focus on the values that make a forest important. By identifying these key values and ensuring that they are maintained or enhanced, it is possible to make rational management decisions that are consistent with the maintenance of important environmental and social values.

  High Conservation Value Forests are those that possess one or more of the following attributes:

  a. forest areas containing globally, regionally or nationally significant :
     i. concentrations of biodiversity values (e.g., endemism, endangered species, refugia);
     ii. large landscape level forests, contained within, or containing the management unit, where viable populations of most (if not all) naturally occurring species exist in natural patterns of distribution and abundance;
  b. forest areas that are in or contain rare, threatened or endangered ecosystems;
  c. forest areas that provide basic services of nature in critical situations (e.g., watershed protection, erosion control); and
  d. forest areas fundamental to meeting basic needs of local communities (e.g., subsistence, health) and/or critical to local communities' traditional cultural identities (areas of cultural, ecological, economic or religious significance identified in co-operation with such local communities).

- **Impact Benefit Agreement** – Often arising out of a consultation process, agreements can be developed between a proponent of a development and the host community/region, often an Aboriginal community. The agreement can address one

issue, or can be an umbrella agreement covering all the issues respecting the proposed development – environmental, social, and economic.

- **Land-Use Planning** – This refers to the systematic assessment of land and water potential, alternative patterns of land and resource use and other physical, social and economic conditions, for the purpose of selecting and adopting land and resource use options that are most beneficial to land users, without degrading the resources or the environment. Land-use planning also helps with the selection of measures most likely to encourage such land uses. Land-use planning may be at international, national, district (project, catchment) or local (village) levels. It includes participation by land users, planners and decision-makers and covers educational, legal, fiscal and financial measures.

- **Manitoba Model Forest** – The Manitoba Model Forest is a non-profit organization representing over 25 diverse forest interests. The Model Forest brings together environmentalists; industry; all levels of government; local communities, including First Nations; economic development groups; unions; universities; and Aboriginal organizations, to share their knowledge and resources in their mutual quest for sustainable forests. The Manitoba Model Forest comprises 1.05 million hectares of boreal forest that stretches eastward from Lake Winnipeg to the Manitoba-Ontario border.

  Activities in the Manitoba Model Forest include research, development, education and communications on a wide range of subjects, such as:

  - migration patterns of woodland caribou with the purpose of designing a harvesting plan that will protect the animal's habitat;
  - improving inventories of forest resources; and
  - building lasting partnerships among diverse stakeholders.

- **Manitoba Minerals Guideline** – In May 1998, a process was initiated by the Province of Manitoba's Energy and Mines department (now Manitoba Industry, Economic Development and Mines) to bring together representatives of First Nations, Métis Nation, Northern communities and the Manitoba minerals industry to begin a relationship-building process. The purpose of this process continues to be to strengthen the links between parties, learn about common aspirations, cultural values and communication needs, and to create a climate for mutually beneficial opportunities in the building of a strong minerals industry within Manitoba. The document is a guide to facilitate relationship-building between those involved in, or affected by, minerals activity within the province.

- **Manitoba Principles and Guidelines of Sustainable Development** – These are the principles and guidelines of sustainable development as adopted by Manitoba and set out in *The Sustainable Development Act*.

- ***Memorandum of Understanding* (MOU)** – A *Memorandum of Understanding* is one form of written agreement signed by two or more parties. In the case of ESPI, the MOU is preliminary to the negotiation of a protocol that will guide the future relationship between the First Nations on the east side of Lake Winnipeg and the Government of Manitoba with respect to the matters of the east side.

- **Non-Timber Forest Products** – These are all forest products, except timber, including other materials obtained from trees, such as resins and leaves, as well as any other

plant and animal products produced by the forest. In the boreal forests of Canada, there are many commercial enterprises based on non-timber forest products, such as hunting and fishing lodges, trapping operations, outfitting, remote tourist operations and youth camps

- **Precautionary Principle** – "The Precautionary Principle" is Principle No. 15 of the *1992 Rio Declaration on Environment and Development*. It states, in part: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." Although generally accepted, since that time governments and industry have been striving to understand the implications and fine-tune the meaning and application of the principle.

- **Proponents** – Proponents are any persons, including the government, interested in proposing a plan, a significant resource allocation or a development.

- **Protected Area** – This is a parcel of land that is protected from most industrial or commercial activities to preserve its natural features or diversity. This is usually land that is designated by law, or Order in Council, as protected. In Manitoba, *The Parks Act* and other legislation allows for the creation of protected areas. Usually, only non-consumptive recreation is permitted in protected areas. Treaty and Aboriginal rights can be exercised in protected areas.

- **Protected Area Accord** – The *Protected Areas and First Nation Resource Stewardship: A Cooperative Relationship Accord* is a March 2002 accord between Poplar River, Pauingassi, Little Grand Rapids and Pikangikum to create a network of linked, protected areas on ancestral lands, and apply for its designation as a world heritage site. Since 2002, Bloodvein has also signed the accord.

- **Protected Areas Initiative (PAI)** – Manitoba's Protected Areas Initiative is a government program dedicated to building a network of protected areas that contains the tremendous biological diversity found in Manitoba's varied landscapes. Since the start of the PAI in 1990, the area of protected lands has increased from 350,000 hectares to just over 5.4 million hectares in 2004. Approximately 8.4 per cent of Manitoba's lands are protected.

- **Protected Area Network** – This refers to the total network of places and locations, protected by various means within a forest or an area, including riparian reserves, habitat reserves, parks and all other protected areas.

- **Protocols of Agreement** – The COSDI report recommended: "Manitoba work in partnership with Aboriginal peoples to develop a co-operative protocol to address the involvement of Aboriginal peoples where their land and resource use planning, significant resource allocation, development assessment and review and regulatory mechanisms, including effects assessment tools and documents, are affected." The ESPI has been instrumental in negotiating a *Memorandum of Understanding* to guide the development of a more comprehensive agreement – the *Protocols of Agreement*, specifically for the east side First Nations. The protocols will contain an official procedure or set of rules for working towards negotiation and consensus. It is a guide that parties must adhere to in attempting to establish working relationships and share management arrangements. The protocols would focus both on the process and contents of agreements that will meet the objectives of both parties.

Similarly, efforts will be made to negotiate *Protocols of Agreement* with the members of the Métis Nation resident on the east side of Lake Winnipeg. These protocols will govern the relationship between the parties with respect to resource and environmental decision-making on the east side of Lake Winnipeg, including consultation mechanisms and practices.

- **Public** – "The public," for the purposes of this report, has two uses. For notice provisions and a variety of other matters, "the public" means the entire public. In other cases, especially related to participation in effects assessment or planning, "the public" means all those persons whose interest in involvement is neither frivolous nor meant to cause difficulties.

- **Public Participation Process** – This is a formal process of public involvement as a part of a decision-making process. Public participation processes range from relatively passive opportunities for information sharing and comment, to interactive processes which ordinarily involve a defined membership, established ground rules and expectations, opportunities for interaction among participants and the provision for ongoing involvement.

- **Resources** – For the purposes of this report, resources refer to Manitoba's natural resources, air, water and land, unless otherwise indicated.

- **Stakeholder** – Although the normal legal definition relates to the holder of the "stake" during a bet or wager, the word is used quite differently in the context of public consultation processes, especially relative to government decision-making. In this context, "stakeholder" refers to a party with a "stake" or legitimate interest in the outcome of a decision to be made. The word, stakeholder, generally includes non-government entities, usually the ones that have a desire to influence the decision. Thus, stakeholders in a planning process would include the land-users, property owners, non-governmental associations, interest groups, potential developers and individuals. The parties that are governments or decision-makers are not considered stakeholders.

- **Sustainable Development** – This is defined in *The Manitoba Sustainable Development Act* as "meeting the needs of the present without compromising the ability of future generations to meet their own needs." The definition is supplemented by the inclusion in *The Manitoba Principle and Guidelines of Sustainable Development Act*.

- **Sustainable Development Components** – The use of the phrases "sustainable development components," "sustainable development," "sustainability," and "sustainability factors" in recommendations all include economic, social, environmental, human health, and cultural considerations.

- **Tenure** – Tenure refers to socially defined agreements held by individuals or groups, recognized by legal statutes or customary practice, regarding the "bundle of rights and duties" of ownership, holding, access and/or usage of a particular land unit or the associated resources there within (such as individual trees, plant species, water, minerals, etc.).

- **Terms of Reference** – This refers to instructions provided to hearing panels, such as the Clean Environment Commission, for the conduct of such activities as public hearings.

- **Traditional Ecological Knowledge** – Traditional ecological knowledge (TEK) is the knowledge base acquired by indigenous and local peoples over many hundreds of years through their direct contact with the environment. This knowledge includes an intimate and detailed knowledge of plants, animals and natural phenomena, the development and use of appropriate technologies for hunting, fishing, trapping, agriculture and forestry, and a holistic knowledge, or "world view", which parallels the scientific discipline of ecology. When TEK and western scientific knowledge are used in an appropriate and complementary fashion, the two knowledge systems provide a powerful tool for managing natural resources and achieving sustainable development. (*Newsletter - Centre for Traditional Knowledge, Canadian Museum of Nature*)

- **Traditional Ecological Mapping** – The use of mapping technology is being expanded to accommodate TEK. Most GIS applications have been traditionally concerned only with scientifically derived data. The spatial analytical capabilities of this technology offer great potential to aid in land-oriented decision-making. The quantifiable nature of GIS output supports First Nations positions within political negotiations and legal contexts.

  The challenges are with respect to the informal nature of traditional knowledge. There are several ways to address this issue. First of all, by its very nature GIS has the potential to be more reflective of a holistic world view than static analogue maps. The ability to layer diverse themes, variables and landscape characteristics can more closely approximate a less reductionist, more encompassing environment. The update capabilities of GIS, moreover, can incorporate dynamic conditions in the real world into the analysis.

- **UNESCO – World Natural and Cultural Heritage Site** – The United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world, considered to be of outstanding value to humanity . This is embodied in an international treaty called the *Convention Concerning the Protection of the World Cultural and Natural Heritage*, adopted by UNESCO in 1972. Cultural heritage refers to monuments, groups of buildings and properties with historical, aesthetic, archaeological, scientific, ethnological or anthropological value. Natural heritage refers to outstanding physical, biological and geological formations, habitats of threatened species of animals and plants, and areas with scientific, conservation or aesthetic value. UNESCO's World Heritage mission, among a lengthy list of objectives, is to encourage countries to sign the 1972 *Convention* and to ensure the protection of their natural and cultural heritage, as well as encourage States Parties to the *Convention* to nominate properties within their national territories for inclusion on the World Heritage List.

- **Watershed** – This is the area that drains to a common waterway, such as a stream, lake, estuary, wetland, or even the ocean. (EPA)

- **Wetlands** – Wetlands are areas where water covers the soil, or is present either at, or near, the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and what types of plant and animal communities are living in and on the soil. Wetlands may support both aquatic and terrestrial

(both water and land) species. The prolonged presence of water creates conditions that favour the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.

Wetlands vary widely because of regional and local differences in soils, topography, climate, hydrology, water chemistry, vegetation and other factors, including human disturbance. Indeed, wetlands are found from the tundra to the tropics and on every continent except Antarctica. (EPA)

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